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MR. SPEAKER.

BY THE HON. ROGER Q. MILLS, REPRESENTATIVE IN CONGRESS FROM TEXAS, AND THE HON. THOMAS B. REED, EX-SPEAKER OF THE HOUSE.

MR. MILLS:

WHETHER the Speaker of the House of Representatives, when a record vote is being taken, can add to, subtract from, contradict, vary, or explain the record, is an American and not a European question. It arises out of the construction of a specific provision of the constitution, which creates the House and the Speaker, and its decision must be determined by that constitution and the interpretation it has received from the speakers who have presided over the House during its existence, and not by the practice of European assemblies or the opinions of European statesmen.

Our constitution, in section 5, article I., says: "Each house shall be the judge of the elections, returns, and qualifications of its own members, and a majority of each shall constitute a quorum to do business." What is meant by doing business? Certainly doing nothing is not doing business. The business of a legislative body is to debate, to make motions, to elicit the expression of the will of the body, and to vote. To do business is to act, and act in the line of duty prescribed by law. Members who retain their seats, and refuse to speak, make motions, or vote, are not doing

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business. The constitution takes no notice of the man who is present but abstains from acting. It is only those who are present acting and doing business that it regards. Members present doing nothing imperil no right, and do no injury to any one; but members present who attempt to make laws affecting the rights and liberties of the whole people may do infinite mischief to millions. Therefore the constitution requires that a majority of the House shall do whatever is done.

Our government is founded upon the immovable conviction in the minds of our people that freedom is their birthright, that governments are instituted to secure it, and that to be rightful they must exist by the consent of the governed. In every line of our organic laws jealousy of power is written, and in all questions of doubt our creed is: He who stands still stands best. When affirmative action is to be taken, when the *status quo* is to be abandoned, it must be done by the consent and coöperation of the greater part. Our whole history is an indictment against excesses in the legislation and administration of other governments. The Declaration of Independence proclaimed to the world that we held that we were endowed by our Creator with certain inalienable rights. These we cannot permit any government to take from us, nor can we voluntarily surrender them. Here is defined a boundary beyond which no government can go.

When the constitution was formed, governing power was divided and subdivided among many agencies, and closely laced within the corsets and stays of federal and State constitutions. The constitution lays down clearly and explicitly the principle of majority rule,—not a majority of a minority, but a majority of the whole,—and this principle is as clearly and explicitly ignored by the parliamentary assemblies of Europe. No government in Europe stands upon the inalienable right of its citizens or subjects. None of them stand upon the equal rights of all before the law. England for many generations has been looking through a glass darkly at the freeman with equal rights and privileges. France catches a meteoric glimpse occasionally, when it throws her into transports and leaves her in blood. Switzerland sees a little spot and retains that little by the aid of the friendly mountains that surround and protect her in her enjoyment. But the Americans alone see the inalienable right of the person, enfortressed in the very citadel of the constitution and secured there by

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an intelligent, virtuous, and courageous manhood. No people dread and abhor arbitrary power as they do, and none love liberty with their steady devotion. Here the people are supreme, and they confer whatever amount of power they think necessary to enable the government to secure them in the enjoyment of their rights, and no more.

As to that which they delegate, they prescribe just how it is to be exercised, and all other modes are forbidden. In conferring legislative power on the House they have enumerated a few things which it may do and many things which it may not do; and that which it is authorized to do is required to be done by a majority of the House. No bill can have the power of law unless it is passed by a majority of the whole House doing business. It may not have a majority of the whole House voting for it, but a majority of the whole House must vote, and a majority of those who do must vote for it. The majority principle is the ruling principle of our legislative assemblies. When the majority act within the authority of the constitution, then, as Mr. Jefferson says, "absolute acquiescence in its decisions is the vital principle of the republic."

But the majority of the whole is not omnipotent. The individual citizen is the only repository of supreme power in this land. There are limitations beyond which no majority can go, however large it may be. The people in their organic laws have placed the majority under the ban of suspicion. They have bolted and barred all the gates around them against its advance across its boundaries. A majority of Congress can raise and support an army, but it cannot raise and support a church; it can create a court, but not an establishment of religion; it can suppress an insurrection, but not a newspaper; it can close our ports, but not our mouths. No power in government here can do these things by counting a quorum or otherwise. The jealous love of the people for their liberties has invested the government with certain power, and set "bounds to its habitation." The same jealousy that withheld from Congress all power of interference with freedom of speech, press, and religion, prescribed to them that, when they did interfere where they were authorized, it should be by the act of a majority of the whole body attending, deliberating, and voting. They interdicted all rule save that by the majority of the whole.

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This has been the uniform construction of the constitution for a hundred years. No Speaker from the First to the Fiftieth Congress ever held otherwise. Speaker Reed himself, prior to the last Congress, held the same view as all his predecessors. In 1880, when this very question was before the House, he said: "The constitutional idea of a quorum is not the presence of a majority of the members of the House, but a majority of the members present and participating in the business of the House. It is *not the visible presence of members*, but their presence and *their votes*, that the constitution calls for." He never gave expression to a different view until party exigency demanded revolutionary methods to stay the fleeting fortunes of that party of which he was a distinguished leader. Then with a breath he swept away the settled law of a century. The Hon. George M. Robeson, another distinguished and able leader of that party, said in the same debate: "It is necessary, under the constitution, that a majority shall be present doing business before there is a quorum of any kind, and no rule can make it otherwise." Such has been the interpretation of all parties in the country from the origin of the government to the present time. If the uniform construction of a century can settle anything, it is settled that a majority to do business is the majority of the whole House attending and participating in the business. The position is too clear and too long settled to remain in the domain of controversy.

It is contended that the Speaker, to meet the constitutional requirement of a quorum, may count the members present not doing business as present doing business. That is, he may nullify the constitution. If he has the power, he may, at his discretion, use it or abuse it. This is not a government where rights of the people depend on the discretion of any one man, but upon the laws passed in pursuance of the constitution which they have made, and which they declare to be the supreme law of the land. If the Speaker has the power to count, he may count the absent as being present; which very thing occurred under this new rule during the last Congress. If he has that power, he may have the names of a hundred or more absent members entered on the journal as present, and thus have a bill passed by a minority instead of a majority. How is that wrong to be corrected? He makes the record, and as he makes it it stands, whether true or false; and a bill so enacted would not be a law passed in obedi-

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ence to the constitution, but, like the laws of many European assemblies, one passed by a rump.

This mode of procedure may be in accordance with the principles of European governments, but it is not in harmony with the principles of our free government, where the liberty of the citizen is protected from oppression by checks and balances in every direction. Such counting may be proper in France, where, Mr. Stanton tells us, the assembly is composed of 745 members and the quorum is 200. It may be proper in England, where the Commons consists of 670 members and 40 is a quorum. But it is not proper in this country under our constitution, which requires a majority of the whole House to constitute a quorum to do business. There is no legislative body in Europe precisely similar to ours, whose power is so hedged in with limitations and interdictions. The practices of European assemblies are as inapplicable here as are their dogmas of hereditary aristocracy, primogeniture, and entailment. Our quorum, as Cushing says in his treatise on parliamentary law, is a majority of the whole number of which the House may consist, and not a majority of the number of which it does in fact consist. Our whole number is 332, and a quorum to do business is 167. If any number of these die, or resign, or be voted out, the quorum is not changed. It is still 167 members, and no smaller number can do business.

There are three ways of voting in the House : one when the Speaker counts, one when tellers count, and one when the clerk counts. When the Speaker puts the question to the vote by sound, he decides whether the ayes or noes have it. If he doubts, he calls upon the House to divide, and if a member challenges his decision he calls for a division, and the ayes rise and remain standing till counted. The ayes are then seated, and the noes rise and remain standing till counted. If the Speaker's count on a division is doubted, tellers are called for by a certain number of members, and one member on each side of the question is appointed by the chair, and the ayes pass between them and are counted by the tellers, and then the noes pass between them and are counted by the tellers, who report the numbers as they have counted them to the Speaker, and he announces the vote to the House and decides the question according to the count of the tellers. This vote by tellers is had by the House to ascertain if the Speaker's count is correct, and he has nothing to do with it

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but to announce it and act on it. He cannot revise it, nor add to nor take from it. It is the law to him just as it is to every other member of the House. If the Speaker could say, "The chair saw present a number of gentlemen who did not vote, and he will add them to one side or the other, or count them to make a quorum," the vote by tellers would be no verification of his count. It would only be a motion for a new trial before the same court. The whole matter would still be in the control of the Speaker, and selecting one member on each side of the question to see a fair count would be of no avail.

These two votes are provided for by the rules of the House. The third vote, by roll-call, is required by the constitution to be taken when one-fifth of those present so desire. When this vote is taken, the clerk calls each member by name, and enters his vote on the journal, as the constitution demands. The Speaker has nothing whatever to do with this vote but to announce it as reported to him by the clerk. The Speaker cannot officially know whether a member has voted or not. It is not his business to know. It is the duty of the clerk to know and to report to the Speaker, not for his revision, but simply for him to announce the vote to the House, and render the decision which the vote has made necessary. If he has the right to count, he can render the constitutional provision wholly nugatory. For after the vote is taken and no quorum has done business, he can add to the journal as many names as he pleases, whether the members are present or absent, and make a quorum on the journal though it is not in the House.

This would, indeed, be a great scandal; but there would be no way to correct it, if the Speaker can do with the journal as he pleases. When Speaker Blaine was urged to count a quorum when the roll-call showed there was none voting, he indignantly refused, and said that there could be no appeal from the record of the yeas and nays, and that when such a rule was adopted the House would stand on the brink of a volcano. The House adopted it in 1890, and in November the volcano poured forth a volume of lava that blew the House into "innocuous desuetude." He further said that that very principle had been the foundation of probably the greatest legislative frauds ever committed, and that where speakers had declared a quorum present against the result of a roll-call in State legislatures, the proceedings had brought scandal on their names.

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Mr. Blaine seems not to have been alone in holding that opinion, for the States in recent years have been making these frauds and scandals impossible by providing in their constitutions the rule that had for a century been observed in the national House of Representatives. The constitutions of Alabama, Arkansas, Colorado, Illinois, Iowa, Kansas, Maryland, Michigan, Missouri, Nebraska, Nevada, New Jersey, Oregon, Pennsylvania, Tennessee, Kentucky, California, New York, and Georgia require a majority of all who may be members to constitute a quorum to pass bills. They refuse to let their speakers go behind the roll-call to count a quorum. Here is overwhelming authority as to the correctness of the practice of all the speakers preceding Speaker Reed, and of the correctness of the interpretation of the constitution which for a century they gave. These provisions would never have appeared in these constitutions if it had not been for the scandals and frauds that had occurred in some legislatures by reason of the rule that permitted the speakers to count a quorum present when the record showed it was not present. If the Republican party should continue in power in the House, these frauds and scandals would appear in the federal as they did in the State legislatures.

Happily for the country, the volcanic eruption of November, 1890, has made that impossible, and the next House will return to the constitution and the footprints of the fathers.

It is asked, if a majority does not vote and members cannot be made to vote, and cannot be counted as present to make a quorum, what good can be accomplished by compelling the attendance of absentees? The answer is that when all absentees are present there must be a majority on one side or the other of every question. A majority of those present are always ready to act without compulsion, but they are not sufficiently numerous to make the constitutional quorum. Compulsory attendance supplies the requisite number, and that acts of its own volition. If those who are opposing a measure find, when their numbers are full, that they can defeat it by voting against it, they will do so without compulsion; if those who are advocating it find, when the House is full, that they can pass it, they will do so without compulsion and end the struggle. The compulsory attendance, therefore, is to produce the constitutional quorum, and let the advocates of the measure take to themselves the whole responsibility for its passage, instead

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of compelling those who oppose it to supply the quorum and share with its friends the responsibility for a measure which the minority hold to be fraught with the direst mischief.

All this controversy about a quorum is produced by the absenteeism of those who advocate the measure over which the conflict occurs. Its friends present, not having the constitutional number required to pass it, try to do so by making their opponents do a part of the necessary work to accomplish it; and that the latter refuse to do. The Representative who abstains from voting feels that he can best represent the interests of his constituents by withholding his vote, and that right never should be usurped or surrendered.

No rule of any parliamentary assembly in this country should ever compel any member to vote or abstain from voting. Whether it is right for him to do the one or the other is a matter over which his constituents should have exclusive jurisdiction. The Representative will know the wishes of those whom he represents and his duty to them, and our government is founded on the idea that he is capable of performing it, and will do it better when left to himself than when acting under the constraint of others.

Those who deny the right of the Representative to withhold his vote say that it delays legislation and prevents the majority from attending to public business. That it delays legislation deemed to be hurtful and mischievous is not denied; and that it only occurs as against measures which the opposition regard as revolutionary is equally true. In the language of a distinguished Republican statesman, a measure "should not be passed until it is systematized and reduced in the alembic of deliberation, through the slow processes prescribed by the rules."

All legislation, to be wise and beneficent, should be well considered, and accomplished after thorough deliberation. Wild, revolutionary, and unconstitutional legislation should be resisted by all the means which parliamentary tactics can supply. Rules are not only intended to provide for the enactment of proper legislation, but to hinder, obstruct, and check all revolutionary schemes which parliamentary assemblies may attempt to pass. An extraordinary measure provokes extraordinary opposition, which cries "check," and shelters itself under constitutional power to protect constitutional rights. From reckless and un-

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bridled majorities inflated with ambition to retain power, right or wrong, the opposition appeals to "the sober second thought of the people," upon whose immovable foundation all our institutions rest.

ROGER Q. MILLS.

MR. REED:

IT IS the fault of most discussions which are decided incorrectly that they are decided by the misuse of terms. Unfortunately, words have very little precision, and mean one thing to one man and a different thing to another. Words also are used with one meaning and quoted with another. When men speak of the rights of minorities and claim for them the sacredness of established law, they are correct or incorrect according as they interpret the word "rights."

A man has a right to an estate in fee simple, a right to land, and there is no right more indisputable under our system. Nothing but the supreme law can take the estate away, and then only after compensation. The same man has a right of passage over land used as a highway, but his town or county can take that privilege away from him without his consent and without compensation. In both cases the man has rights, but the rights are entirely different, and the difference arises from the nature of things. It is good for the community, or at least it has been so thought, that a man should have unrestricted right over his land. On it he can build as high as heaven or dig as deep as a probable hereafter. This is not because it is pleasant for the man, but because it is best for the community. Therefore his right to build or dig is limited by the right of eminent domain—the right of the whole people to take his property at any time for the common benefit on paying its value.

For the same reason the right of a man to walk over the land of a roadway is an inferior right which may more easily be taken from him; for if it be more convenient for the whole community that nobody should walk over that land, each man's right, which is a perfect right while it exists, is taken away from him, and he alone bears the loss.

It is hardly neeessary to multiply examples in order to lay a foundation for the assertion that the rights, so called, of any man or set of men have their foundation only in the common good.

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There is no such thing as an unrepealable bill of rights. Even the constitution of the United States can be changed by due process of law. So long as that instrument remains unchanged, the rights secured under it remain fixed. When it is changed, the rights obliterated cease. By that constitution the majority voluntarily limited its own powers. But this limitation was not for the sake of the minority, but for the good of the whole nation. No system of government could long exist which sacrificed the many to the few.

During the last Congress there was much talk by the Democratic press, and much haranguing on the floor of Congress, about the rights of minorities. Most of the talk and about all of the haranguing were based upon the false idea that the rights in question were real estate in fee simple, not to be diverted, instead of public rights of way, to be changed any time the majority deemed it to be for the good of the community.

Another source of error in all this loose and unsatisfactory haranguing was the notion entertained that a minority in Congress is always a political minority. Three-quarters of the questions which arise are not political. One-half at least of the bad results of disorder and wilfulness on the part of the few against the many were not political. The worst filibuster I ever knew, except that which by killing the Force Bill years ago handed over the Southern Republicans to the tender mercies of their foes, was against the refund of the direct tax, which had been reported by a Democratic committee in a Democratic House, where it had a two-thirds vote, or nearly so, ready to be cast whenever it could be counted. The question of the settlement of the debt of the Union Pacific road was not at all a political question. Men divided without any reference to party. But a hearing on the bill was refused, not because any political minority opposed it, but because two Representatives were allowed to stifle it in the supposed interest of the farmer politicians, to whose subsequent vengeance both these gentlemen fell victims.

When our government was formed, there were two contending elements, the same two which fight everywhere and at all times—conservatism and progress; but at that time both elements faced each other with more than the usual definiteness of purpose. The ideas which finally culminated in the French Revolution had been gradually spreading over the world, and had been imbibed by

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certain of our statesmen; but they were much modified by the pride of locality and the great desire on the part of each and all of the great commonwealths to retain untouched as much of their unfederated power as was possible, consistent with making a suitable front to the foreign world.

Frank, outspoken, open government of the people by the people was a very novel experiment. The most intelligent men had grave doubts of the wisdom of the masses. In fact, the idea of really letting out of chains all the people, giving them unrestricted power, had not much more support than it would have to-day in Russia. Hence the constant striving for checks and limitations. While progress ran to all lengths in the Declaration of Independence, conservatism held its own in the constitution of the United States.

If the House of Representatives can be readily brought to book every two years, the President, with his tremendous veto power, can be dislodged only at the end of four years, and even the House itself defeated by the people survives its own defeat an entire session. When four years have elapsed, and both House and President have been swept away by the popular vote, it often happens that the public have to reckon with a Senate which cannot be displaced. All these things and many others were consciously or unconsciously concessions to that conservatism which distrusted the people, and built itself upon the idea that the intelligence which is held by the minority, and comes from birth and books, is superior to the intelligence which is held by the majority and comes from practical life.

The same circumstances which made our constitution have contributed to preserve it nominally unaltered in most respects. Nevertheless, while the constitution has been preserved, it has been much stretched, and otherwise, by wearing, more or less fitted to the young giant which it covered in many places rather too tightly. If the constitution had not been persuaded sometimes by judicial interpretation, and sometimes by legislative interpretation, to grow up with the country, if there had not been a very great chance to let out at the seams on the general welfare and taxation and other like clauses, it is to be feared that the country would have been cramped or the constitution burst.

If by the aid of any witch of Endor one of our forefathers could have been beguiled from the New Jerusalem to listen to

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Mr. Reagan expounding the Inter-State-Commerce Act, he would have returned heavenward in a paralysis of amazement, after learning that all that millennium was to be accomplished under the power to regulate commerce between the States. Or if he had been present when the needs of our farming community demanded protection against oleomargarine, he would have been startled to find that adulteration of food could be dealt with by the Union, and that, too, under the taxing clause.

These are but examples of how the public welfare gets taken care of by the insistence of majorities whenever the demand is sufficiently imperative.

This constitution of ours is, however, the only charter of the rights of minorities. The rights therein secured are in their nature like the right of ownership of real estate. They cannot be directly attacked. What are called the rights of minorities in deliberative assemblies are like the right of any individual in a highway, subject at all times to the control of the whole community. Strictly speaking, they are, like the rights in a highway, bestowed not for the benefit of the minority, but solely for the benefit of the whole.

A few examples will make this very clear, and will show how many of the discussions of the last two years were mere misuse of terms.

Among the most cherished so-called rights of minorities is the right of debate. But is that in any sense a right of minorities as such? What is debate, and what is it for? It is not merely a display of the vocabularies of orators. It is not a sacred privilege of talk for no purpose. It is permitted solely to guide the whole assembly to right conclusions. Men join in debate, when they fulfil honestly its mission, for the purpose of pointing out the advantages of the thing proposed or the objections which exist against it. Debate is intended to throw light on the subject from all directions, so that there may be no delusions arising from the shadows. Now, what is all this for? For the benefit of those who in the result turn out to be the fewer in number? By no manner of means. All this light is thrown, not to enable the minority to prevent conclusions, but to enable the majority to come to right conclusions. It hardly needs more than this statement to show that any right of debate which prevents results by obstruction, instead of guiding to correct results by enlighten-

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ment, is a perversion of honest purpose which ought to receive condemnation and repression.

Some also of the rights of minorities are supposed to reside in the rules of a deliberative body. These are said to be the charters of the power held by the fewer. The same quiet examination of the nature of rules will dispose of that assumption as readily as considerations from the nature itself of debate have disposed of that right of the minority.

What are rules for? What are rules? The constitution uses the full expression, and says that each house may determine the "rules of its proceedings." How does a house proceed? Solely by majorities. Rules, then, are only methods of procedure established, not for the benefit of the few, but to enable the whole body to accomplish in an orderly and systematic way its duties and purposes. What can it be but a perversion of words to claim that in rules of procedure are sacred rights of non-procedure? that a systematic way of doing something gives the right to a systematic power of preventing the very thing the rules were established to accomplish? It is perfectly true that while rules exist they should be followed; not, however, because of the minority, but because, having been established by the whole body, only the whole body can abrogate them. Whenever the whole body choose to change them, no one has any right of complaint. And if in the rules themselves there are provisions for their own suspension or temporary modification, no one has any right to find fault.

Yet when in the Forty-seventh Congress, after full, exhaustive, and exhausting debate, the House determined to change its rules, the whole Democratic press of the country burst into one wild shout against the outrage; and one would have thought that liberty lay dead at the base of her own altar. When in the Fifty-first Congress the Committee on Rules, to suppress factious opposition, used the power granted them for that very purpose, and gave the whole body an opportunity to decide whether the obstruction should cease, there was language used which the horrors of the French Revolution would not have justified. No doubt half the people thought there must have been some stretch, at least, of power. Men in general know so little of how business is done in Congress, and how it is prevented from being done, that any outcry receives at least half-credence.

In fact, the lack of knowledge on the part of the public, their

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ignorance of their own affairs, is the great reservoir from which the Democracy always draws. It takes time to expose lies, and they always seem so trivial to those who are acting the truth that only after they are well embedded in the popular thought do the friends of truth realize what a potent thing a lie is in an imperfect world. Sometimes only the logic of events can dislodge a lie. In truth, it is doubtful if argument ever did do it.

When, less than a year ago, the whole Democratic party, the entire Democratic press, and all the shop-keepers, actuated by an honest desire to sell goods and pressed by tight money, were proclaiming, on the advent of the McKinley Bill, a carnival of high prices that would deprive the poor man of his tin dinner-pail, and strip from the backs of the women their woollen frocks, and otherwise play Moloch to the Hebrew children, no argument could meet it, and hundreds of good men went down with the avalanche of lies. To-day the logic of facts is justifying the wisdom of the doctrine of protection in its latest manifestation, and the farmer is finding plenty of chances for his bushel of wheat. Yea, even his barrel of pork may find lodgement somewhere.

The doctrine of the right of the majority to rule in legislative assemblies cannot hope to escape the general danger of misrepresentation. There are many interests which are concerned to perpetuate the rule of the few. The Southern men are fearful that this nation will some day awaken, as it has once before awakened, from the false idea that commerce is all, and that peace and quietness ought to be purchased at any price, to the nobler idea that human liberty is beyond all price, and that the government of all by all is the very foundation of our system. There are some men who desire, when this happens, that the few shall be so intrenched in forms and usages that they may keep the many entirely out of control. The same may be said of all vested interests and vested wrongs. These are all enlisted on the side of repression.

But the great immediate power which has for so many years prevented the manifestation of the power of the majority—the power which has kept the control in the hands of the few—is the combination or concert of old members, who, knowing the rules and being skilled in all the arts of killing bills without being caught, and of depriving the community of what it wants while exhibiting zeal the other way, are enabled to govern the House and perpetuate their own rule.

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It will be an interesting spectacle in the new House to watch the process by which the new members will be persuaded to surrender their rights, to go gently under the yoke, and to witness their wonder and perplexity when they find that somehow or other they cannot do what they want to do, even after they have convinced the majority that it will be the right thing to do. They will then find that the gentlemen who have so sedulously hedged them in to protect them against the wicked Republicans have reserved for themselves a veto power greater than is intrusted by the wisdom of the constitution to the wisdom of the President. They will also find that there is no greater fallacy than the idea that majority and minority are predicated of political parties only. It will soon become evident that many questions on which parties divide—questions which concern the welfare of the entire community, and which are of all questions the most suitable to be decided by superiority of numbers—will be really under the control of some minority with a crank for a leader, whom the rules of the House will make victorious over numbers and sense alike. Then there will be wailing and wagging of tongues.

Conservatism is, of course, not to be undervalued. The advantages of time and reflection cannot be overestimated. Things ought not to be done rashly or hastily. But in this country, with the fullest power of control by majorities in either house of Congress, things cannot be done hastily or rashly. Too many currents of power have to join forces under our constitution to make the determination of legislative action anything but the consensus of the people. The States, both great and small, have two Senators each. No Senator can be disturbed during six years. If the Senators, representing States, and the members of the House, representing populations, both agree, there is a double guarantee, each for the other, against the idea that rash or hasty action has been had. If, then, the President agrees, though elected at a different time and by a different system from either house, we have another safeguard. Indeed, we have so many safeguards that the wonder is how anybody dared tie up the people so tightly.

If to all these be added the divine right of a minority to stop all business, surely this government, of which we have made rather frequent and obtrusive boasting as being a government of the people, is only an irresponsible despotism. For despotism was never anything more than the rule of the few over the many.

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It is a curious fact that while we have relaxed none of our conservative safeguards, but rather have striven to add to them, even to the very verge of unreason, the world outside, the abode of the "worn-out and effete dynasties" has become more and more progressive until many European governments are as fairly representative of the people and responsive to their will as our own, and some much more so.

In England the House of Commons may vote out a ministry and change the whole policy of the country, domestic and foreign. This the members do as representatives of the people, for if a ministry think the people are not with Parliament, they may go to the people by a general election and must abide the result.

With us the new House will overwhelmingly try to reverse the policy of its predecessor, and the President and cabinet and the Senate will move on, let us hope, as serenely as if nothing had happened. Of course this new House was elected with full knowledge that the Senate and President would hold them in check. But even if the people had very determined intentions, and had meant a complete overthrow, they could have accomplished nothing, because of the constitutional system of checks on popular power. While our constitutional checks can command much to be said in their favor, yet they have many disadvantages, and not the least of them is the undecisive nature of our elections. Men vote with less regard for results in proportion as the natural results are made uncertain.

However that may be, the checks and balances of the constitution are enough to preserve us without setting up a divine right of minorities and still further depriving the people of power. All other countries are growing more and more every day into the sound belief that common-sense is the best sense, that a government on the general level is the soundest government, and that the people as a whole are wiser than the most learned men. The United States also ought to keep pace, within the limits of the constitution, with the progress of the race, and at least demand that in its legislative assemblies the majority shall have the right to control to the extent of the full powers of the body to which they belong, and that the public business shall not be left at the mercy of obstructive politicians who have at heart the rule of party rather than the rule of the people.

THOMAS B. REED.

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THE QUESTION OF THE QUORUM.

BY THE LATE MANUEL ALONZO MARTINEZ, PRESIDENT OF THE SPANISH CHAMBER OF DEPUTIES.

IN THE last legislative session of the House of Representatives of the United States, the majority, on the proposition of the Speaker of the House, added a new article to the regulations, which provides that, when it is desired to know whether there is a quorum of members present, the total number of Representatives present at the time of voting, not only those who vote, but also those who do not vote, shall be counted.

The opinion of the undersigned has been asked: (1) On this reform of the rules of the House of Representatives of the United States. (2) On the general question of the quorum in Spain.

I.

Although an eminent writer of ancient Spanish America * defines parliamentary law, from a purely theoretic point of view, as that branch of science which investigates the principles to which the constitution and procedure of legislative assemblies should conform,† he is, nevertheless, obliged to recognize that this science is so new that it may be said to be in course of formation, and that, though Jefferson, Erskine May, Cushing, Pondra y Piene, Franqueville, Mancini y Galeoti, and other authors have given us valuable information upon the matter, their works have been all confined to a simple exposition of parliamentary procedure as current in North America, in England, in France, and in Italy. He holds that they have rendered a signal service in thus preparing the way for scientific investigations upon this branch of law, by the accumulation of material, but that they have made no theoretic progress in the science.

In the opinion of the author cited, Bentham alone consecrated

* "El Poder Legislatif," by Justino Jimener de Aréchaga, Vol. II. Published by A. Beneiro y Ramos (Libreria Nacional), Montevideo, 1890.

† Ibid, p. 9.

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himself to the study of the principles to which parliamentary constitution and procedure should conform, his essay on "Parliamentary Tactics," published near the beginning of this century, being a veritable treatise on the science of parliamentary law; but, adds Señor Jimener de Aréchaga, as is generally the case with works which initiate a special order of investigation, a very incomplete one.

In fact, the essay on "Parliamentary Tactics" is so incomplete upon the point now under consideration that, although Bentham devotes the whole of the eighteenth chapter to it, he only says, in substance, that if satisfactory statutes were enacted to prevent non-attendance, there would be no need of recourse to the quorum or the determination of the number of representatives necessary to constitute an assembly; that the principal aim of the quorum is to compel attendance through respect for public opinion; that those who direct assemblies are forced to take vexatious measures to insure the presence of a complete number; and that rigorous measures are excusable if the negligence be extreme; adding that the quorum is the last expedient to which recourse should be had to obtain the desired result.

As will be readily seen, there is nothing in these remarks of Bentham resembling a scientific principle capable of theoretically solving, apart from considerations of time and place, the questions which arise on the establishment or reform of the quorum in any legislative assembly, and there is nothing rash in the belief that the ideas so vaguely expressed by the illustrious English jurisconsult were inspired by the recollection of the words of a certain Speaker of the House of Commons who, closing the sitting for the first time on April 26, 1729, because there were not forty members present, declared that "members who abandon the discussion of the most grave affairs of state to amuse themselves in taverns and gaming-houses are unworthy of the position they hold as members of this House."

In the absence, therefore, of established scientific principles admitted of common accord by legal writers, and of authorities to aid us in judgments upon this matter of the quorum or on any other point of parliamentary law, any opinion formed upon the two subjects proposed at the head of this paper should take into account the circumstances of each country, not only as to the relation of the constitutional régime, whether it be representative

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or parliamentary, to the fundamental laws of the constitution—generally different upon the question of the attendance of representatives at the meetings of the legislative chambers—and to the constitutional means of obtaining or exacting their attendance, but also in relation to temporary circumstances, which rightfully exercise so large an influence in politics considered as the art of government, and on the resolutions of the governing body or its constituent elements.

Things being as they are, it would be a vain presumption on the part of the undersigned to pretend to as thorough a knowledge as his interrogator—an eminent writer of the United States—possesses of the customs of the representatives of that country, so distinct from all the nations of the old world ; and consequently the opinions here expressed have been formed without the aid of that certitude which is the capital element of all verdicts, and which largely rules judgment in political matters.

To the undersigned, limited to the knowledge which he has obtained from books, and starting with the general principle that the regulations of the legislative assemblies of a country should be inspired by the same spirit and reasons as govern its constitution and its fundamental laws, it does not appear hazardous to maintain that in countries where the representative régime is in force—of which the great North American republic is the model—it is more necessary than in countries subjected to the parliamentary régime—as are almost all European monarchies and republics—to insist that the assiduous and constant attendance of a majority of members of the assemblies devoted to the exercise of legislative functions is of transcendent importance to the rights and dues of the nation at large, and to maintain that the constitution of the United States differs from the fundamental laws of all other countries in regard to the quorum by the means it assures the legislative assembly of imposing its authority upon the members who compose it.

By virtue of one section of that constitution only a majority constitutes a deliberative quorum ; but a smaller number may adjourn from day to day, and are authorized to compel absent members to put in an appearance, by what means and under what penalties each house may determine. The second clause of the same section provides that each house may decide upon its own rules of procedure, may punish its members for bad

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conduct, and, with the assent of two-thirds of its voting members, may expel the offenders.

In accordance with these provisions of the fundamental law, the regulations of the lower house decree that every member shall be present in the legislative building during the sessions of the assembly unless he has been excused, or in a case of unavoidable absence; also that he shall be under an obligation to vote on all questions unless he has been freed from this duty on a motion presented before the division or the roll-call has commenced and the debate closed, and unless he has a personal or pecuniary interest in the matter under discussion. It is also enacted that if a quorum be not present, fifteen members, inclusive of the Speaker, may compel the absent members to appear; to this end, at every roll-call the names of absent members should be recorded, the doors closed, and those members in whose name no sufficient excuse has been presented may, by virtue of an order of the majority of the members present, be sought for—wherever they may be—by officers appointed for the purpose by the sergeant-at-arms, arrested, and conducted to the legislative assembly, which then decides on what condition they shall be released.

All this, which is in perfect harmony with the constitutional provisions already set forth, and which is completed by the large privileges which the Representatives enjoy by virtue of this same constitution and of other more recent laws, is quite foreign to European parliamentary law and procedure; but we cannot do less than to take account of it, in judging the reform concerning the quorum with which our first question deals.

Certain words employed by my interrogator in formulating his question seem to indicate that what has occasioned the excitement produced by the reform of the regulations of the North American House of Representativas is the fact that, to render the working of the quorum regulation satisfactory when its application is necessary, the total number of members present in the House at the time of voting is counted—not only those who vote, but those who do not vote—for the reasons given above, and this resolution does really appear very strange; but, in the opinion of the undersigned, it is less strange than it is taken to be at first sight, not only in North America, but in parliamentary Europe, whose constitutions, laws, regulations, customs, and usages differ so much from those of the United States of America.

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In the United States the right of demanding a quorum has two objects. First, to insure that whatever may be voted shall be voted by a majority of the Representatives who represent to the country the majority of her citizens, and to insure that the Representatives shall perform the duty of presence which the constitution imposes upon them under penalty of the punishments which the assembly has the right to inflict and has decreed in its regulations; which explains the unity of the law established by the reform of the regulations here under consideration. The reform has also another distinct object, which, like the previous one, is in conformity both with the letter and with the spirit of the constitution of the United States of America. Otherwise it would be necessary to consign to oblivion the discussion of the subject of which something was said at the beginning and which it is convenient to explain somewhat more fully at this point.

As Jefferson notices in his "Manual of Parliamentary Practice," the name quorum is derived from the custom, which still exists in England and in the Roman Chancellorship, of giving to certain acts of the government the name of the legislative actions they decree or of the formulæ which are proper to them. Jefferson also considers it a reasonable hypothesis that the name given to the number of members who suffice to constitute an assembly originated in some formula which commenced with the word quorum. Since April 26, 1729, not only the word but its signification and the parliamentary customs derived from it have spread from England to all assemblies of the old and the new world.

Well, from the day when, for the first time, the Speaker closed the session of the House of Commons with the remark that there were not forty members present, and from the 5th of January, 1640, when in the same chamber the question arose whether there were or were not a sufficient number of members present to open the session, and it was decided negatively because there were not forty members in attendance, up to the present time, every individual member of the House of Commons is entitled, and may use his right at any moment of the session, either when it has been announced that a vote is about to be taken or during a discussion, to demand that the number of members present shall be counted, thus often delaying by many hours and sometimes by several days the taking of a vote.

In such cases a sand-glass is placed upon the table, and during

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the two minutes its upper cavity takes to empty, electric bells are rung in all the precincts of the chamber. Thereupon the members who are in the corridors, in the library, or in the refreshment rooms repair promptly to the chamber. The sand-glass run out, the Speaker counts the number of members present; if the total is less than forty, he closes the session, or, rather, adjourns it to the following day; if the total exceeds forty, the session continues.

From these facts it may be inferred that the function of the quorum, both originally and in its developments, as practised by the nation which, at least in Europe, passes for an authority on these matters, is in itself independent of the vote, inasmuch as the validity of this latter necessitates the existence of a quorum, which varies infinitely in different countries and even at different epochs in the same country.

In virtue of these considerations, having had no opportunity of acquiring an intimate knowledge of the customs of the members of the House of Representatives of the United States of America, which may have induced the Speaker to propose and the majority to approve the reform of its regulations which has been adopted, I think that this reform is not in opposition to, but is in harmony with, the letter and the spirit of the constitution, and with the regulations in force in the House of Representatives, and also that it is in conformity with the spirit and general meaning of the quorum of the British Parliament, which, since 1729 and 1640, has been adopted by all the legislative assemblies of the world.

II.

When, in 1836, the constitutional and parliamentary régime was definitely established in Spain, the royal decree dated August 21, 1836, convoking the Cortes, contained, in accordance with the constitution of 1812, a clause to the effect that the deputies should perform their duties gratuitously until the Cortes had determined upon the best course to be taken with regard to article 102 of the said constitution, in which it was provided that the provinces should pay their respective deputies the salary which the representatives then forming the Cortes voted to subsequent parliaments.

This clause, amplified and confirmed by article 58 of the electoral law of July 18, 1837, provided that, as long as senators and

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deputies performed their duties gratuitously, they might resign their mandate whenever they so wished, even after having accepted it and having commenced to exercise their functions. The principle of unpaid parliamentary representation has survived in the Spanish political Right, and to it is chiefly due the opinion that the assiduous attendance of senators and deputies at their respective chambers cannot be and ought not to be rigorously exacted. It has on several occasions caused the rejection of the proposal that non-attendant members should be subjected to an efficacious judicial punishment; it being pointed out that non-attendance might be considered as a renunciation of functions on the part of the senator or deputy who absented himself under such circumstances as might determine the necessity of imposing upon him a punishment for the said absence.

An immediate result of this opinion is the existence of articles 202 and 203 of the regulations of Congress, which provide that, if any deputy has occasion to absent himself for more than eight days, he must request the permission of Congress, explaining his motives in writing and stating the time during which he desires to absent himself, so that Congress shall consider his request and accede to it if it be judged warrantable; but that, since it is essential that at all sessions the number of deputies which the constitution indicates as necessary to formulate laws should be in attendance, leave of absence shall never be accorded to more than a third of the number in excess of the number of members necessary to form a quorum. In the generality of cases, however, members absent themselves without requesting leave of absence, and it is not the custom to make any kind of remonstrance with regard to such absences.

The same thing happens in the Senate, although articles 59 and 60 of its regulations reproduce in substance the provisions of articles 202 and 203 of the regulations of Congress, cited above.

As to the quorum, the regulations which govern its application in the Spanish chambers may be resumed in the following terms:

According to article 43 of the constitution it is essential for the validity of the laws passed by each of the legislative bodies that one more than half the total number of individuals composing the body shall be present; a principle which, in turn, inspires article 214 of the regulations of the Senate and article 179 of the regulations of Congress, whose purport is that the constitutional

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mandate is applicable only to the final voting of laws, and not to votes which are taken merely on individual articles.

In computing the total number of individuals who compose each legislative body—both in the Senate and in Congress—only those senators and deputies are counted who have not been simply admitted, but have in addition taken the oath.

The constitution is silent as to the number of senators and deputies necessary to definitely constitute either of these legislative bodies, and the omission in the fundamental laws is filled up by the respective regulations of the Senate and of Congress.

By virtue of and conformably to article 30 of the regulations of the Senate, in the first legislative session succeeding the renewal of the elective portion of this chamber, the examination of acts and measures of the second category being terminated, if afterwards one more than half the total number of senators present is admitted, the definite constitution of the Senate is, by common consent, proceeded with; whereas, conformably with article 34 and the concordant articles 10 and 11, when the legislature has undergone neither a complete nor a partial renewal of its elective portion, the Senate is definitely constituted as soon as fifty senators are present to nominate the four secretaries.

Articles 37 and 15 of the regulations of Congress require for its definite constitution in the first legislative session of each parliament that there shall be admitted at least as many deputies as are necessary to vote the laws, and in the second and succeeding sessions at least that same necessary number of deputies shall be present.

To open and continue the sessions of the Senate, according to article 109 of its regulations at least thirty senators must be present, and forty suffice to pass any resolution excepting the definite adoption of a project of law.

In Congress, conformably to article 107 of its regulations, at least seventy deputies must be present to open the session, and this number suffices to pass any resolution excepting the definite adoption of a project of law; but the presence of no given number of deputies is required to continue the session, when once opened, or to maintain a debate.

The Senate, like Congress, is divided into sections; and, according to article 68 of the regulations of the first of these assemblies, to open the session in each of these sections at least

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ten senators are required to assemble, but if, fifteen minutes after the hour appointed, it is found that the president, vice-president, secretary, and under secretary are absent, they may be replaced, for that session only, by substitutes chosen among themselves by the members present.

The regulations of Congress contain no rule concordant with article 68 just mentioned.

On the other hand, in order that decisions arrived at upon the validity or nullity of laws classed as important may have a definite character, article 36 of the regulations of Congress requires that the number of deputies present shall in no case be less than one hundred and forty; whereas the regulations of the Senate do not require the attendance of any particular quorum for the passing of important laws.

The principal regulations which require the attendance of senators and deputies at the deliberations of the legislative corps to which they respectively belong, and the various quorums proper to each of these assemblies, having been indicated, it should be added that, excepting the quorum necessary to pass laws and to definitely constitute Congress,—which increases and diminishes in proportion to the number of individual members of whom, according to the constitution, the chamber may be composed, or to the number who actually compose it at any given time,—these quorums do not represent the quotient of a dividend and divisor previously established, but, as far as Congress is concerned, a figure decided upon many years ago, when the number of deputies who formed the assembly was far less than it should be according to the electoral law annulled by that of June, 1890, which reëstablished universal suffrage.

Notwithstanding that by this last law the number of deputies may be augmented, there is to-day no current of opinion in Spain in favor of an increase in any one of the quorums already mentioned.

As to the establishment of new regulations to insure the constant attendance of senators and deputies at their respective chambers, the common opinion is that it is best to have recourse to indirect means of obtaining attendance; but it is certain that no measures framed with a view to forward this end by the imposition of penalties for non-attendance could be proposed without encountering serious opposition.

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The utmost ever obtained in this matter, on two distinct occasions, separated by an interval of twenty-two years, was the establishment of the custom of noting down the names of the deputies on their arrival at the Congress House. As soon as the number of seventy was reached, the session was opened with the reading of the list thus formed, which was then published in the journal of the sessions (*Diario de Sesiones*); but the presidents who adopted this plan were never able to maintain it for any considerable time, and to-day it would be no longer possible to put it into practice without running directly counter to public opinion, which would repel this kind of moral coercion were it applied to the representatives of the nation.

The advocates of the parliamentary régime grieve over the fact that but a scanty number of deputies and senators take part in the discussion and adoption of projects of great importance to the country, and over the difficulties so frequently experienced in obtaining the attendance of a sufficient number of members to open the session; yet they would themselves disapprove any measures of a more energetic character than a suave admonition made by the president in open session, and formulated in such general terms as to render it entirely free from the character of a correction administered to any single individual.

The undersigned considers, therefore, that, as long as the services of senators and deputies continue to be rendered gratuitously, public opinion will demand no alteration or reform whatsoever in the regulations relating to the quorum in the Spanish legislative bodies.

MANL. ALONZO MARTINEZ.

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FRENCH NOVELS AND FRENCH LIFE.

BY ANDREW LANG.

Do FRENCH novels give a fair picture of French life? According to Madame Adam they do not. But I never knew people yet who admitted that any written account of their own life and of themselves was true. Consider the sorrows of Mr. Froude, and remember how the colonists arose up and did not call him blessed. No English traveller's account of America is admitted to be true; no American traveller's account of England. These things are written by strangers. But I never was acquainted with a literary Scotchman whose written Scotch was accepted as good Scotch by his countrymen at home. You cannot satisfy people by pictures of their manners and peculiarities. There is no novel of life at Oxford which Oxford men recognize as correct. The critics, who are also to some extent the characters, invariably say that they are misrepresented.

Thus Madame Adam may possibly overstate her case, unless she is superior to an almost universal kind of sentiment. She tells us that the laboring classes of Paris decline to see themselves as M. Zola sees them. He is, indeed, such a fantastic and romantic writer that he always exaggerates, and, probably, represents the exception as the type. It is not in nature that an honest and kindly *ouvrier* should like M. Zola's drunkards and debauchees; still one may guess that there is an element of likeness in the caricature. Now, an element of likeness, a resemblance more or less close, is all that we can hope for in any picture. Every picture will be colored by the artist in accordance with his own eyesight. M. Zola, like Turner in old age, will see things in yellow. George Sand saw them in rose. Her peasants are not absolutely true to nature, nor are the very different peasants of Balzac. It is a question of degree, of the less or more; and so it must be in all studies of human life.

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These are obvious, but necessary, considerations. For the rest, to a foreigner who seeks information from Madame Adam her interesting essay seems too abstract. It is certain, as she says, that Paris draws to herself all literary France; that men are almost obliged, if they would be known, to leave their country towns; and that they do not love their country towns is very probable. Literature is their profession; their interests are in literature. They cannot, as a rule, find like-minded people in Poictiers or Tours any more than I could expect to find many of of them in Kelso or Elgin.

Again, at home their view of society is limited by class. If they are of the middle class, it is nearly as difficult for them to know the workmen as to know the *noblesse*. We all regret these gulfs, but they exist, and even in pure socialism there will inevitably be "sets," just as there are in the peerage, where, if anywhere, all are peers. The son of a notary, who can write and wishes to write, may love his kindred and their friends at home, but he cannot confine his observations to them, nor perpetually put his aunts and cousins into his novels. He must go to Paris, where there is a good deal of variety, and so, as Madame Adam says, novels are written in Paris, for Parisians, by Parisians. There is no getting out of that fatal circle, and we must remember that French novels represent life less as it is than as Parisians like to have it represented. Moreover, we must allow for the choice of situations and sentiments new rather than true, and fashionable rather than permanently human.

We must always make these deductions; but, when they are made, do French novels, on the whole, give a true picture of French life? A foreigner can only ask the question. Here it is that he finds Madame Adam's account too abstract. For example, take the broad differences between French novels on one side and English or American novels on the other side. In our fiction (by "our" I mean that of the English-speaking people) almost all the love is between bachelor and maid, and the goal is the altar. In French fiction almost all the love is between man, married or single, and the wedded wives of other men. What we wish to know is this: Does the absence of honorable love-making between the young people of French fiction correspond in any degree, and, if so, in what degree, to its absence in real life? Again, does the preponderance of lawless love in French fiction answer in any de-

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gree, and, if so, in what degree, to a like preponderance in actual fact?

Naturally I am not pretending that we Anglo-Saxons are more "moral" than the French. Scandal for scandal, "appalling revelation" for "shocking disclosure," perhaps we have the worst of it. But if there is as much honorable "courting" in France as in England or America, the fact does not come out in French fiction. Perhaps the French do not find it interesting to read about; or, again, they may consider it too sacred a theme for the novelist's art. It is only plain that there is a great difference of taste between French and English novel-readers: how far that difference of taste answers to difference in life we cannot tell, and Madame Adam does not tell us.

In our own life it is obvious that, in some classes, high and low, a certain commandment is no more honored than it is in France. But we do not wish to read about intrigues in our fiction, and our difference in taste must not blind us to something very like identity in morals. Thus, just as there is plenty of intrigue in some sections of English life, though very little of it in English novels, so there may be plenty of prenuptial affection in French life, though in French novels we seldom find it sympathetically handled. But, then, if it exists in a large degree, why is it so systematically ignored? That is one of the things about which we aliens desire information.

A French critic may ask, in reply, wherefore, if we have plenty of loose living, we do not represent it in our fiction. Is it because we are prudes and hypocrites? Not altogether. We have an impression that, however much guilty passion may be abroad, it would not be diminished, but rather increased, by pictures of its indulgence. The set of public opinion is decidedly against such intrigues; and the examples of it which occur are not calculated to alter that which is decidedly the general sentiment. I do not mean to hint that the general sentiment is less honorable in France; but I do think that French novels might lead one more or less into that opinion. To that extent, then, French novels may be misleading, and, in studying them, we must allow for the influence of an old tradition and for the special taste of certain circles in Paris. Again, of course, the liberty of our girls is so great that it would be hard to keep any English novels from them. Thus our novelists, as some of them com-

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plain, have the fear of the young girl before them. In France girls are held more strictly in hand, and it is understood that they only read Walter Scott. Their condition is the more gracious, but here the difference in novels does rest on a difference in social usages.

When we are asked, Do French novels represent French life? we must, of course, distinguish. Nobody supposes that French life is all baccarat, murder, duels, *horizontales*, gay breakfasts, and amateur detectives, as in M. Fortuné du Boisgobey, nor all dirt, drink, curses, and the rest, as in some naturalistic books. Nor is it all compact of parties in country houses, and escapades in the wrong bedrooms, and wit, and raillery, and riding, and shooting, as in the dialogues of Gyp. Xaintrailles is manifestly a caricature, and a caricature is the detestable minor poet in "Un Raté," and one can only hope that Eve is a good likeness. Even a foreigner can see all this plainly enough. Even a foreigner knows that all Academicians are not a set of libidinous *crétins*, as in "L' Immortel"; and it is but in human nature to behave quite like the miners in "Germinal." We do not suppose that all members of *la haute finance* are ill-mannered and corrupt, nor that all French women of fashion are akin to Madame de Flirt. The blue boudoirs of M. Paul Bourget must shelter many duchesses who are not constantly hurrying across Paris to a rendezvous. I decline to believe that many French gentlemen are so forlorn of occupation as to stand about like amateur sentries, without even a dry sentry-box, after the manner of the hero of M. Guy de Maupassant's "Notre Cœur." Paulette is plainly an exceptional little person, nor can there be so many young milliners of beauty and virtue, and high birth, as those who, in M. Xavier de Montépin's legends, are so perpetually kidnapped by miscreants.

Mr. Ruskin has written with a good deal of indignation about French fiction, and, for a moralist, Mr. Ruskin's knowledge of his theme is "extensive and peculiar." But people are not, after all, so very bad. In those endless romances of M. Xavier de Montépin, popular sympathy is always with virtue in distress. The heart of the people, the heart of all peoples, is in the right place. As to the fiction, we see that there is everywhere an immense deal of exaggeration. Engineers are not so clever as M. Ohnet's engineers; Brazilians are not so unscrupulous as M.

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Boisgobey's Brazilians ; *ouvriers* are not such blackguards as M. Zola's *ouvriers* ; marchionesses are not in so coming-on a humor as the *marquises* of M. Bourget ; literary men are not so " sair beside themselves " about hateful actresses as M. Bourget's literary men ; peasants are not so sordid as almost everybody's peasants, and the whole world is not so sentimentally profligate as nearly the whole world of popular French fiction. " Every one has a sane spot somewhere in his mind," and even the seventh commandment has intervals of security and repose.

When we ask whether novels represent life, let us remember that only an infinitesimal fraction of any people reads novels, or any other literature. In France, we may be sure, there is a great worthy middle-class population which never reads. They do not know the novelists, nor the novelists them. They are unrepresented. Again, those who do read like to read about something alien to their experience. Alien to it is all that exaggerated profligacy of romance ; so alien that they no more dream of imitating it than you or I dream of imitating Tiberius, or Chaka, or the Artful Dodger. To them it is, essentially, a fairy tale, remote, unenvied, but entertaining. To be sure, if we carried this argument far, we might find ourselves maintaining that the morality of a nation is in inverse ratio to the immorality of its fiction. We border on Charles Lamb's perilous theory about the comedies of the Restoration. Still, there is a certain amount of truth in our contention.

To most readers, not to all, novels are fairy tales. Thus, allowing for exaggeration, for the taste of the capital, for the *remoteness* of fiction, for the really small number of persons who read and who are written about, we may decide that French novels in the mass do not give a truly accurate description of French society in the mass. For example, I this moment chanced to look at Miss Price's account of life in Anjou (*Longman's Magazine*, October, 1891). Now, no French novel had revealed to me that beautiful survival of the existence of the old *noblesse* at its best. Gyp's *noblesse* live very differently from Miss Price's. *Their* existence seems far too good to last, a fragile relic of what was noblest and simplest of old. Good go with it, one hopes ; but Miss Price's picture is a new and strange picture to at least one reader of French fiction.

Doubtless fiction does not represent many other noble aspects

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of French existence. One regrets these omissions, and there are sins of commission too which one regrets. As far as the bulk of French fiction has any influence on young French people (old people are safe), it is seldom excellent except in so far as it is always patriotic. The republic has not killed in France that old chivalrous virtue of patriotism, nor has fiction soiled it, nor commerce nor cynicism laughed it to scorn. The flag is the flag still, be it white or be it tricolor, and I wish that the same spirit were as strong in another country.

To end, as far as a foreigner can determine, French fiction exaggerates much in French life that is evil, and omits much that is noble. Thus its picture cannot be correct; yet, on the whole, novels show what way the popular wind blows, and help a little to produce the modes of action and sentiment which they describe.

ANDREW LANG.

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WAGES IN MEXICO.

BY M. ROMERO, MEXICAN MINISTER TO THE UNITED STATES.

I HAVE often heard it stated, as the chief reason for advocating restrictions on this country's trade with Mexico, that we pay low wages to our laborers, who are sometimes called paupers or peons, and that the maintenance of the high wages prevailing here requires that the free entrance of Mexican products similar to those of the United States be forbidden. As this reason is repeated whenever it is proposed to adopt liberal measures to promote trade between the two neighboring republics, it seems to me that I might render a service to their better understanding of each other and to their increase of trade, reciprocally advantageous, if I should give an idea of the wages which are paid in Mexico; of the causes which control their amount; of the manner in which these causes affect the cost and therefore the price of the commodities we produce; and of the price of Mexican articles obtained with low wages, compared with the same commodities produced here with high wages. I should be very glad if I could in this way help to dispel the mistaken ideas which prevail in this country in regard to the labor and wage system of Mexico, and which stand in the way of measures tending to increase our mutual trade.

The broken surface of Mexico gives us all the climates of the world, frequently at very short distances from each other, and enables us to produce the fruits of all the zones, while placing at our disposal, at the same time, an immense hydraulic power, of which for the present we hardly avail ourselves. But, on the other hand, it makes transportation very expensive; and this fact renders exceedingly difficult the interchange of products. The obstacles to communication between the various sections of the country, and the diversity of conditions existing in each, cause a great difference in the wages paid in different localities.

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The Department of Public Works of the Mexican Government has been for some time collecting exact data regarding the wages paid to field laborers, and during my last visit to the City of Mexico I obtained a summary of these data. It is very difficult to present it in a complete and correct form, because there are several systems of wages. In some places a fixed amount is paid for one day's work; in others a given sum is paid for a certain amount of work done; in some others, besides the wages, rations are given, which consist of a certain quantity of grain, sufficient for the subsistence of the laborer and his family; the quality and quantity of these rations vary, as well as their value, for grain has different prices in the various localities; and all these causes render it very difficult to make an entirely accurate *résumé* of the official data. The most complete that I have been able to prepare is the following, which embraces the maximum and minimum field wages paid in the different states of the Mexican Confederation, in cents and per day:

States.	Minimum. Cents.	Maximum. Cents.	Average. Cents.
Aguas Calientes	.18¾	.18¾	.18¾
Baja California (T.)	.50	.50	.50
Chiapas	.25	.75	.50
Chihuahua	.18¾	.25	.21⅞
Coahuila	.31¼	.75	.53⅛
Colima	.25	.37½	.31¼
Durango	.25	.75	.50
Distrito Federal	.31¼	.37½	.34⅜
Guanajuato	.18¾	.31¼	.25
Guerrero	.18¾	.50	.34⅜
Hidalgo	.12½	.37½	.25
Jalisco	.18¾	.50	.34⅜
Mexico	.12½	.37½	.25
Michoacan	.15½	.75	.45¼
Morelos	.25	.75	.50
Nuevo Leon	.18¾	.18¾	.18¾
Oajaca	.18¾	.50	.34⅜
Puebla	.18¾	.50	.34⅜
Queretaro	.18¾	.37½	.28⅛
San Luis Potosi	.18¾	.25	.22¼
Sonora	.30	$1.00	.65
Tabasco	.37½	.50	.43¾
Tamaulipas	.25	.50	.37½
Tepic (T.)	.25	.50	.37½
Tlaxcala	.25	.50	.37½
Vera Cruz	.25	.62½	.43¾
Yucatan	.25	.37½	.31¼
Zacatecas	.18¾	.50	.34⅜
Total average	.23⅛	.50	.36

I do not know that a statement similar to the preceding one has been made concerning the wages paid to laborers in factories, in mines, and on railroads, but I understand the Mexican Government is now collecting such data. I am sure, however, that these laborers earn wages considerably higher than those paid to field

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hands, as those working on railways on the coast and on the frontier receive as much as $1.50 per day.

Before giving an account of the causes of the diversity of wages paid in Mexico for field work, and showing why these wages are so low, it is opportune to state that it is not in Mexico only that such diversity of wages exists, for something similar takes place in this country. According to the latest information published by the Wisconsin Labor Bureau, a common laborer in Atlanta earns 7½ cents per hour, while the same laborer in Galveston, which is another Southern city, earns 25 cents per hour, or three times as much.

As I have just stated, the broken surface of Mexico makes transportation very expensive, there being comparatively few wagon roads. On the one from Vera Cruz to the City of Mexico, which was the best constructed, the average freight in normal conditions was $68.75 per ton of 2,200 pounds for a distance of only 263¼ English miles, or more than 26 cents per mile and ton; and in extraordinary circumstances, as during the French intervention in Mexico from 1861 to 1867, the freights were as high as $330 per ton, or over $1.25 per mile and ton.

Nothing shows more plainly how high freights have been in Mexico than to state that, in accordance with the Mexican laws, the company to which a grant was given in 1857 to build a railroad between Vera Cruz and the City of Mexico forfeited its charter because of services rendered to the French intervention; and when the national government returned to the City of Mexico, in 1867, and revived the grant, among the new restrictions agreed to by the company, a maximum freight was fixed of $62 per ton of 2,200 pounds, or 24 cents a mile per ton; and this rate was then considered quite reasonable.

The common way of transporting merchandise was on the backs of mules or donkeys, the former carrying from three to four hundred pounds and the latter about one hundred pounds, both making about fifteen miles a day, and where there were no mule-paths goods were carried on the shoulders of Indians. The high cost of transportation allowed only the exportation of gold and silver, because the precious metals, having great value in comparatively small volume and weight, could bear the expense. These metals were, therefore, almost the only articles of export from Mexico for about three hundred years,

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excepting a few other high-priced products, like cochineal and indigo, which, before the progress of chemistry, were almost the only materials used to dye in red and blue colors, and for this reason commanded a very high price. Even now, when Mexico has in operation over 5,000 miles of railways, and when the depreciation in the value of silver has established a bounty of about 30 per cent. on the exportation of commodities, the total amount exported from Mexico during last year was, in round numbers, $40,000,000 in precious metals and only $20,000,000 in commodities.

Merchandise could not be transported from one place to another in Mexico, whenever there was any distance between them, without increasing the cost very largely. Sugar, for instance, which in some localities was produced at the cost of 1 cent a pound, was sold in others at 25 cents a pound. Such a condition of things reduced the consumption and consequently the production to a very narrow limit, and very often a year's abundant crops amounted to a calamity to the farmers, as the abundance of products without an increase of consumption caused a great fall in prices. Under such circumstances the wages paid to the field laborers had necessarily to be low; and although they now begin to improve with the greater demand for labor brought about by the construction of railroads, and the consequent material progress of the country, they are yet far from being what is desired, and what I am sure they will be before long.

It is a fact that wages in Mexico are far lower in many cases than those paid for the same industries in the United States; but this ought not to seem strange when it is considered that this country pays probably the highest wages in the world; and not even the foremost manufacturing nations of Europe, as England, France, Germany, and Belgium, can compete with it in this regard. Yet while it is true that labor in the European countries is not so well remunerated as in the United States, it must be taken into account that it does not produce there as much as it does here. I am assured by competent persons that a bank-bill printer, for instance, does not print in England more than 1,500 sheets per week, while the average work done by the American workman is 6,000 sheets per week; and it is stated in the *Journal des Economistes* that a French weaver can take care of only four looms, a Belgian of five, an English weaver of six, and one from

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this country of eight. But the actual production during a given working time is in Mexico far less than in the United States or even in Europe. The day's work of a Mexican laborer very likely represents only one-fourth of what is accomplished during the same time by a laborer in the United States. A Mexican laborer working from ten to eleven hours a day, for instance, accomplishes less work, or produces less, than a European or an American laborer in nine hours, and in some instances the disproportion is as great as 1 to 5. I have been assured that a Mexican bricklayer in eleven hours' work does not lay more than 500 bricks, while a bricklayer in the United States lays 2,500 in nine hours; and that a Mexican weaver cannot attend to more than two looms. Under such conditions the high wages of $3 a day paid in the United States are no higher than the wages of 50 cents paid in Mexico, so far as the product of labor is concerned.

The principal causes for this difference in working capacity are, in my opinion, the following: (1) the Mexican laborer is not so well fed and paid as his brother in this country; (2) he generally works until he is exhausted, and his work is not, therefore, so productive; (3) he is not, on the whole, so well educated as the average laborer in the United States; (4) he has fewer wants to satisfy, and therefore less inducement to work. Perhaps there is, besides these causes, at least in some localities, a climatic influence, due to the enervating character of the tropical climate and to the high altitude above the level of the sea, and the consequent lower atmospherical pressure, where a large portion of the population of Mexico is located. I am inclined to believe that this is a factor in the case, as a similar difference is noticed among animals. A plough drawn by one horse in this country would in Mexico require two or three horses to accomplish the same work in similar localities; and this shows that the difference in working strength may be due, at least in part and in some places, to natural causes or climatic influences.

The impression prevailing in this country regarding the Mexican peon is an erroneous one. It is supposed here that peonage is equivalent to slavery, and that it is spread throughout the whole country. I must state at once that it exists principally in a comparatively reduced area where laborers are very scarce, and this fact shows that, while the system is liable to abuse, it has some advantages for the laborer.

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The largest portion of the Mexican population is located on the mountains, central table-lands, and other high regions, which enjoy a cold and healthful climate, on account of their elevation above the sea level. Only the products of the cold zone can grow there, and they used to be cultivated on a limited scale, solely for local consumption, however, as the high cost of transportation prevented their being carried to any distance. In this region labor is abundant, and exceeds considerably the demand. Consequently the wages are low, and the peonage system only exists to a small extent; and, as the number of working hands is greater than the demand, the laborers are exposed to disadvantages that fortunately are now disappearing as the progress of the country increases the demand for labor.

The temperate region embraces the lands located from three to five thousand feet above the level of the sea, and it is sparsely populated; but its products are valuable, like coffee, sugar, and other tropical fruits. It is very difficult to find in this region the necessary hands to till the land on a large scale. For these reasons, and, above all, because of the high cost of transportation, such articles cannot be grown for export, except in a few places favorably located, and then in a limited quantity. This explains why some of these products command a higher price in some localities of the country where they are produced than in foreign markets, where they are transported from great distances. Sugar, for instance, which is retailed in New York at 4½ cents a pound, costs in the city of Mexico from 12 to 18 cents, and it is not so well refined as the article sold here, although for that reason it has a greater amount of saccharine matter.

The hot region, which embraces the coast on both oceans and low valleys situated in the interior of the country, is very sparsely inhabited: labor is therefore very scarce and wages are higher than in any other region. While in the high and cold regions wages are often 12½ cents a day and rations, on the coast they are sometimes $1.50 a day. The inhabitants of the cold and temperate regions do not come down to the warm zone, because they are exposed to sicknesses prevailing there, such as yellow-fever and intermittent and remittent fevers, and because they are terribly annoyed by mosquitoes, and can hardly endure the heat. If at any time they do go there, it is only for a few days, and they return home very soon afterwards.

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It has been thought, because the lowlands are the most fertile and rich, and almost uninhabited, that they could only be cultivated by means of negro or Asiatic labor; and this idea has induced some Mexican planters to try Chinese immigration, as article 11 of our constitution grants to all men the right freely to enter and leave Mexico.

The laborers living on the warm lands have, on account of the scarcity of their number, advantages which are not shared by their brothers inhabiting the higher regions. The first of these advantages is, as I have already stated, larger wages; the second is that they can obtain advances, in reasonable amounts, for any needs they may have, as marriages, births, sickness or death in their families, since the small amount of their wages does not allow them to economize for such emergencies, and these advances are willingly made by their employers on account of future services, without interest or security. But, unfortunately, these very advantages are the source of great abuse on the part of some employers, of which the laborer is sometimes the victim on account of his ignorance and complete destitution, on one side, and the influence and wealth of his employer, on the other.

I speak of this subject from personal experience, because, having spent several years as a planter in the department of Soconusco, state of Chiapas, where these conditions prevail, I saw practically the workings of the peonage system. It was not possible there to obtain a laborer either as a domestic or a field hand without paying beforehand the debt he had contracted with his former employer, which was from one to five hundred dollars; so it is easy to understand what an expenditure of money was required before a large number of hands could be obtained. Lapse of time increases the debt instead of diminishing it, since the laborer asks each week, as a rule, for more than the amount of his wages. Whenever the hands are displeased with their work,—either because they quarrel among themselves, because their employer does not treat them well, because they do not get all the advances they ask for, or for any other reason,—they have full freedom to offer their services to anybody else, who willingly pays their debt, as everybody is always in need of help; but often, and especially in the case of persons who do not live permanently in the country, as happened to me in Soconusco, laborers whose debts reach a considerable sum conceal themselves, fly to another district where they are

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not known, or in some other manner evade the payment of their indebtedness; and the result is that it is lost to their employer.

These are the practical results of the peonage system, so far as my experience goes, although I do not deny that it is liable to great abuse on the part of the employers, who are favored in a few cases by the tolerance of some local authorities and by the ignorance and poverty of the laborers.

There are some places—especially in the states of Tabasco and Campeachy, where fine woods are cut in uninhabited spots, which change as the wood is exhausted—where the employer assumes, in the absence of any authorities or magistrates, and generally through an overseer, for he himself seldom remains at such places, all the powers of government. There, of course, the opportunities for doing wrong are very much increased, in view of the fact that there is hardly any responsibility for abuse of authority. In most of these cases the employer is obliged to set up, for the convenience of his laborers,—as I have heard, never having seen such a thing personally,—a store where they can provide themselves, there being no other near by, with groceries and such dry goods as they need in the ordinary course of life, paying for them with the scrip issued to them in settlement of their wages by the employer over his signature. It is easy to see how greatly this system is liable to abuse, since the laborer has to purchase at the store of his employer everything he wants, and at such prices as the owner may think fit to charge, losing all the benefits of competition.*

But the peonage system has no legal existence in Mexico, be-

* It seems that something similar to this is done in the United States, as is shown by the following extract from Gen. Rush C. Hawkins's article, entitled "Brutality and Avarice Triumphant," published in the June number of THE NORTH AMERICAN REVIEW, page 660: "One of the most facile means in the hands of avarice for cheating the poor and helpless is the 'corporation and contractors' store.' It is usually owned by corporations whose employees are the only patrons, and the rule is to sell the poorest possible quality of supplies at the highest price obtainable. In many instances employees are given to understand that they are expected to trade at the company and contract stores, or, failing to do so, will be discharged. This oppressive method of cheating is not confined to any particular part of the country, but prevails, with varying degrees of malignancy, wherever under one management, either corporate, partnership, or individual, any considerable number of employees are assembled together. Since the close of the Civil War many thousands of ignorant blacks have been make the victims of this common and heartless swindle, which has absorbed their scant earnings. At the end of each month, year in and year out, it has proved to their untrained minds an astonishing fact that the longer and the harder they worked the more they got in debt to their employers."

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cause article 5 of our constitution of 1857, enacted for the purpose of abolishing it, provided that "nobody should be obliged to render personal service without proper compensation and his full consent," and forbade the law to authorize any contract which might have for its object the "loss or irreparable sacrifice of the freedom of man through work, education, or religious vows." This article was amended on the 25th of September, 1873, with the main view of prohibiting the taking of religious vows in Mexico, and of making it more explicit, and it reads now, so far as work is concerned, as follows: "The state cannot allow the fulfilment of any agreement, contract, or covenant which may, in any manner, impair, destroy, or irrevocably sacrifice man's liberty, either through work, education, or religious vows."

The Catholic clergy of Mexico encouraged the system of having a great many feast-days, because they were quite productive to the church. Over one-third of the year, not counting the Sabbath, was given up to religious festivals, during which all work was stopped. So objectionable were the results of this system that, when, in 1858, the laws of reform were enacted separating the church from the state, the feast-days were reduced by law to a very limited number—about six only in a year; but, as happens with all legislation in conflict with the actual habits of the people, the law has not been faithfully complied with, especially because it does not provide any punishment for the offenders. This fact makes foreigners in Mexico consider native labor unreliable.

It is time now to speak of the prices of Mexican commodities and to compare them with such as are produced here. The Department of Public Works has been for some time collecting data as to the prices of agricultural products in Mexico, and during my recent stay in the capital of the republic I obtained a *résumé* of such data, which I give on the next page, reducing the weights and measures used in Mexico to those used in this country, and stating the price of each article in each country.

It has been very difficult to make this table, for the complete accuracy of which I cannot vouch, notwithstanding that I have used much care and availed myself of all the means within my reach to make it as complete as possible; but the difficulty of obtaining the average price of certain articles in both countries is very great, and no less the reduction to a common standard of the weights and measures used in each. So far as commodities in

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the United States are concerned, I have taken as the basis for fixing their price the data contained in No. 12 of the Statistical Abstract of the United States for the year 1889, prepared by the Bureau of Statistics under the direction of the Secretary of the Treasury, and sent by him to the House of Representatives on the 4th of December of the same year. In regard to such commodities as were not embraced in that document, I have used the data contained in the thirty-second annual report of the Chamber of Commerce of the city of New York for the fiscal year 1889–90, and in the report of the Produce Exchange of New York for the same period, and such other as I have been able to obtain from reliable sources.

Articles.	Prices in the City of Mexico.		Prices in the United States.	
Bacon	50c.	per lb.	20c.	per lb.
Beeves	8c.	per lb., gross weight.	4½c.	per lb. gross wt.
Coal	$16.00	per ton.	$3.18	per ton.
Coffee	22c.	per lb.	19c.	per lb.
Corn	2c.	per lb.	⅘c.	per lb., or 43c. per bushel of 56 lbs.
Cotton prints	10½c.	per yard.	3⅘c.	per yard.
Cottons	19c.	per lb.	10c.	per lb.
Flour	5c.	per lb.	1½c.	per lb., or $2.75 per barrel of 196 lbs.
Ham	50c.	per lb.	18c.	per lb.
Hogs (live)	9c.	per lb., gross weight.	3¾c.	per lb., gross wt.
Iron, pig	$32.00	per ton.	$19.00	per ton.
Lard	18c.	per lb.	8⅛c.	per lb.
Meats:				
Beef	12c.	per lb.	7c.	per lb.
Mutton	14c.	per lb.	8¼c.	per lb.
Pork	11c.	per lb.	5¾c.	per lb.
Paper, printing	15c.	per lb.	5c.	per lb.
Prints	8½c.	per yard.	6¼c.	per yard.
Rice	7c.	per lb.	5c.	per lb.
Salt	7c.	per lb.	4c.	per lb.
Sheep	9c.	per lb., gross weight.	5c.	per lb., gross wt.
Sugar	21c.	per lb.	5c.	per lb.
Tallow	15c.	per lb.	4⅘c.	per lb.
Tobacco	24c.	per lb.	6¼c.	per lb.
Wheat	3c.	per lb.	1⅘c.	per lb., or 83c. per bushel of 60 lbs.
Whiskey	$16.00	a cask of 20.0787 galls., or 80c. per gall.	36c.	per gall. in bond.

One reason why Mexican products are so high is that when they reach the markets they have paid the local duty levied in coming into the cities. Unfortunately the internal commerce of Mexico is not free, as in the United States, where such freedom has contributed greatly, in my opinion, to the marvellous prosperity of the people. Our constitution of 1857 prescribed the abolition, from the 1st of July, 1858, of the interior duties and custom-houses throughout the whole country; but unfortunately it has not as yet been possible to comply with that provision, and the time has been extended by amending the constitution. The railroads have come to demonstrate practically

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the great inconvenience of the system of trammelled interior commerce, and the Mexican Government is now endeavoring to bring the different states to an agreement to replace such duties with some other tax less objectionable.

The reciprocity treaty of January 20, 1883, contained a provision, which was, I think, little commented upon or appreciated here, whereby complete immunity from all local, state, and municipal taxes was granted to merchandise from this country imported into Mexico; giving it the same freedom as it enjoys at home. My object in agreeing to the above clause was not only to encourage and promote the development of trade between the two countries, but also to undermine the present obnoxious legislation, which, by interposing so many obstacles, makes traffic almost impossible. The moment foreign merchandise was exempted from all local duties and barriers, domestic merchandise was left in such an unfavorable condition as to demand imperatively a change for the better.

I expected in this instance a repetition of what took place with our postage rates, which up to 1874 were almost prohibitory,—25 cents per quarter of an ounce,—thereby considerably encouraging evasion. Our Minister to Berlin was appointed a delegate from Mexico to the Universal Postal Union Congress which met in Paris, and he was one of the signatories of the convention concluded June 1, 1878, whereby the international postage rate was fixed at five cents per sixteen grammes, or half an ounce. When the Mexican Government ratified that convention, the old postage rates could not be kept up, and a few years later they were finally reduced to ten cents per half-ounce, and the number of letters forwarded in the Mexican mails has since immensely increased, the revenue therefrom having augmented fourfold.

When economical errors of long standing prevail in a country and become imbedded in the people, the most effective way to eradicate them is sometimes to make their remedy a subject of stipulation with a foreign country, giving it thereby a special force; otherwise, if the remedy is enacted by one Congress, another can repeal that measure, as has been the case in Mexico with the *alcabalas* excise. We have great respect for international agreements, and hold that the legislative branch of the government cannot abrogate them, unless with the consent of the other party or in case of war.

It is now time to show that the low wages paid in Mexico do

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not produce cheap commodities, and could not therefore, by competition, lower the compensation of labor, or the cost of similar manufactured articles in the United States.

We pay at home, in several cases, wages amounting to about a sixth of what is paid here for similar work, and yet the production in Mexico, with such low wages, is a great deal more expensive than the production of similar articles in the United States, with probably the highest wages in the world, and with prices consequently higher.

It is true that wages are one of the principal factors in the cost of production of all kinds of merchandise, but they are not the only, and in many cases not even the principal, one. The question of wages is very complex, and it seems that, in comparing the wages of this country with those paid in Mexico, two important factors are overlooked: first, the cost of living in each country, or the purchasing power of the currency in each; and, second, the amount of commodities produced in each country by the same unit of work, either on account of the greater fitness or greater physical strength of the laborer, or through the use of machinery, which increases the amount of production and cheapens it enormously. When these two circumstances are taken into account, it will be found that the high wages paid here are often no higher for the work performed, perhaps in some cases even lower, than those paid in Mexico and in other countries; and only in that way can we explain how this country with its high wages can produce many articles—for instance, watches and clocks—which compete successfully with those made in Switzerland, where wages are comparatively low.

The cost of production, too, depends on other circumstances, different in each country, all of which must be considered for a proper appreciation of the subject. I would need more space than I can reasonably use in this article to mention all the causes which affect wages, and to show how far they influence the cost of production; and I shall only present some practical and suggestive examples taken from the preceding table, to show that the same commodities produced in this country, with high wages, cost less, and therefore are sold at a lower price, than similar articles produced in Mexico with low wages.

One of the best illustrations of the correctness of this state-

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ment is the working of mines in both countries. Although wages in Mexico are probably one-fourth or one-fifth of those paid in the United States, the production of silver costs much less here than there. Mr. Thomas H. Carter, late member of Congress from Montana, and a very competent judge, stated, during the first session of the last Congress, that miners' wages here were $3 a day, while he fixed at fifty cents per day the wages of Mexican miners. I do not think his statement correct so far as Mexican mining wages are concerned, as miners there earn larger wages than field hands. That our production of silver is more costly than it is here is shown by the fact that mines similar to those which we abandon because it does not pay us to work them on account of the low grade of silver, or for other reasons, are operated in the United States with profit. This is in a great measure because mines are worked in this country by machinery, which diminishes the cost and increases the production; but this very fact shows that wages are not the only factor affecting the cost of production, and also that with high wages it is possible, and even easy, to produce at a less expense than with low wages.

Cotton-culture is another example. I am aware that the cotton-growers of the United States hold that what they call their cotton belt has peculiar conditions for the production of their staple, which in their opinion do not exist in any other portion of the world, and they believe, therefore, that nobody can compete with them in this regard. Without any intention on my part to belittle the advantages of the cotton belt of this country, I am of the opinion that there are in Mexico lands as well adapted for the production of cotton as the best in this country, and in some of our regions perhaps even more so; yet, notwithstanding these advantages and although our wages are low, cotton is produced cheaper in this country, and is sold with profit by the planters for one-half the price that it commands in Mexico. So great is the difference in the price of this staple in the two countries that notwithstanding an import duty on cotton of 8 cents per kilogram, or almost 5 cents per pound, which is equivalent to 50 per cent. ad valorem, we import from this country almost one-half of the cotton used in our home manufactures. I do not overlook the fact that cotton is raised here by negro labor, which is considerably cheaper than white labor; but, even assuming that wages in this case be the same in both

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countries, the difference in cost is so great that labor is not the only factor in the expense of production.

Something similar happens with sugar. Here it is produced with high wages, and—although its culture in Louisiana is an artificial one, since frosts prevail there, since the cane has to be planted every year or two, and the ground cultivated at considerable expense several times a year, so that such culture is almost as artificial there as coffee-culture would be in New England—yet the Louisiana planters sell their sugar in New York with profit at from 6 to 7 cents per pound, while in the City of Mexico and other places in my country it commands twice and even three times that price.

The same is the case with tobacco. Although the climate and soil are very likely better fitted for its culture in Mexico than in this country, tobacco costs there, on an average, 24½ cents per pound, while it is sold here at 8½ cents per pound.

I shall not speak of the products of the cold climate, like wheat, barley, oats, etc., because the climate and soil of this country are naturally adapted for such culture, while for tropical products the conditions are decidedly in favor of Mexico; but despite the fact that we also have cold regions in Mexico, and notwithstanding the difference in wages, wheat is worth there twice as much as here, and there is about the same difference in the price of corn.

It is much the same with manufactured articles, like common printing-paper, which in the United States is worth about 3 cents a pound and in Mexico 15 cents, although we have abundant raw material and water-power for its manufacture. To encourage the making of paper, we established an import duty on foreign unsized and half-sized paper of 10 cents per kilogram, or over 5 cents per pound, equivalent to over 100 per cent. ad valorem, which was reduced by our present tariff to 5 cents per kilogram for the unsized, keeping the duty of 10 cents on the half-sized paper; and notwithstanding this we import printing-paper from this country, where the wages are so high compared with ours. Something similar happens with cottons and cotton prints, the former being worth 5 cents per yard in this country and from 10 to 15 cents per vara of 33 English inches in Mexico, and the latter, which are sold here at 8 cents per yard, being worth in Mexico about 20 cents per yard.

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I believe that the preceding facts show beyond all doubt that, unless there is a material change in the present conditions of Mexico, there need be no fear of competition in the United States from Mexican manufactures in articles produced by us with cheap labor.

My country, too, has adopted the protection system, and we have carried it considerably further than it ever was carried in the United States. We established it originally, as it was established here, for the purpose of obtaining the means to defray the expenses of the government, and it was developed under the supposition that the higher the import duties the larger would be the revenue yielded; but we failed to consider that smuggling is, in the nature of things, and especially in countries, like Mexico, well adapted for its operation, the regulator of prohibitory or exceedingly high duties. Under the protective duties, several industries have been established at home which are now greatly interested in the permanency of the present system. The import duty upon common cotton goods, which is the material worn by the largest portion of the Mexican population, is from 9 to 17 cents per square metre, or over 100 per cent. on the price of the goods in England. Flour pays 10 cents per kilogram, or more than 5 cents per pound, equivalent to 350 per cent. upon its value in New York. Printing-paper pays, as already stated, 5 and 10 cents per kilogram, or over 2½ and 5 cents per pound, equivalent to from 100 to 200 per cent. ad valorem. I could multiply similar instances of high duties; and yet we have not succeeded in cheapening our products or in perfecting our manufactures.

A very suggestive instance where high duties encouraged smuggling came under my personal observation. Mexican tobacco could not reach the northern states of Mexico on account of the high rates of transportation, to which I have alluded, and it could not be raised close by because its culture was for several years a government monopoly. Therefore the inhabitants of that region used tobacco raised in the United States, which they bought at a moderate price. Our import duty on tobacco up to the year 1878 was $1.25 per kilogram, or about 66 cents per pound, and although tobacco from the United States was consumed in all the frontier of Mexico, and that was the only tobacco imported in the free zone, which at that date was limited to the state of Tamaulipas,

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and although the yearly importation exceeded one million pounds, yet there hardly appeared in the treasury any revenue collected on this article. At that time I had the Treasury Department of Mexico under my charge, and, having observed this fact, I obtained the sanction of the President, who then had full authority from Congress for that purpose, and reduced the duty on tobacco to the comparatively moderate amount of 16 cents per kilogram, or less than 8 cents per pound; and from that time we derived some revenue from foreign tobacco. I could mention many other instances as forcible as this one.

As the system of collecting import duties ad valorem is liable to many frauds, Mexico has adopted specific duties, or a fixed amount per weight, unit, or measure. Although this system has the disadvantage that the duty is not proportionate to the price of the merchandise, as is theoretically the ad-valorem duty, it is not liable to so many frauds as the other, and for that reason, I understand, it has been adopted by most of the European nations.

Agricultural products of this country, like wheat, cotton, and other farm products, notwithstanding the high wages paid here to field laborers, compete in the English and other free foreign markets, and successfully sustain a sharp competition with similar foreign products obtained with low wages, in some cases even lower than in Mexico, as in the case of China and the East Indies. There need, therefore, be no fear of competition from Mexico.

I believe that the people of the United States have the necessary pluck and fitness to compete with any other people in the world in the production of manufactured articles. It is true the high wages paid here, the import duties upon raw materials, and the higher price of coal than in some other countries, enhance the cost of the production of certain commodities as compared with similar ones manufactured in England, France, Germany, and Belgium; but it must at the same time be remembered that the application of machinery, which is used here on a much larger scale than in any other country, cheapens production so greatly that it enables this country to manufacture many articles at a less cost than any other. An instance of this is the manufacture of steel rails in the Edgar Thompson factory, at Pittsburg, Penn., where, the entire production being mechanical, few hands are employed and where natural gas is used as fuel.

High duties collected in Mexico, amounting in some cases to

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even 300 per cent. ad valorem, have not increased or cheapened our production. Our imports in the fiscal year ended on the 30th of June, 1889, the last one for which official data have been published, amounted to $40,024,894.32; if we deduct from this the free articles, valued at $13,506,230.23, we shall have as the dutiable merchandise $26,518,664.09, yielding a revenue of $22,477,962.95, or an average of 84.7 per cent., which is larger in proportion than that of any other American nation, and almost double that of the United States, where the average was 44.41 per centum for the fiscal year ending on the 30th of June, 1890; the value of the dutiable articles amounting to $507,511,764, and the import duties to $226,540,037. Notwithstanding all this, and although our wages are lower than those in this country, our production is considerably dearer.

I should be very glad if the explanations made in this article result in dispelling the errors prevailing in this country in regard to the conditions of labor in Mexico; and hope that, in case restrictions against Mexican trade are discussed, they will not be urged on the ground that our articles are produced with peon labor. I sincerely hope that both countries, instead of acting in a way contrary to the ends of nature, which has placed one beside the other, and has given them different climates, productions, and possibilities, will coöperate with the purpose of nature, and not interpose other obstacles to reciprocal trade than those absolutely necessary for their mutual well-being and progress.

M. ROMERO.

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THE PARDONING POWER.

BY THE HON. DAVID B. HILL, GOVERNOR OF NEW YORK.

THE propriety of the existence of some power to pardon persons convicted of crime is recognized in every well-regulated government. This essential attribute is based upon the conceded imperfection of human action in the punishment of offenders. The Marquis Beccaria said that the power of pardon does not exist under a perfect administration of the laws, and that the admission of the power is a tacit acknowledgment of the infirmity of the course of justice. Story speaks of this power as "a benign prerogative." Montesquieu regarded it as "the most glorious attribute of sovereignty." Chancellor Kent says that "a power to pardon seems, indeed, indispensable under the most correct administration of the law by human tribunals; since, otherwise, men would sometimes fall a prey to the vindictiveness of accusers, the inaccuracy of testimony, and the fallibility of jurors and courts." Hamilton, as early as 1788, said in *The Federalist* that "the criminal code of every country partakes so much of necessary severity that, without an easy access to exceptions in favor of unfortunate guilt, justice would wear a countenance too sanguinary and cruel."

Jeremy Bentham, speaking of the exercise of this prerogative in England, expressed the sentiment that "the power of pardoning is often said to be one of the brightest jewels in the royal crown; it is burdensome as it is bright, not only to those who submit to the crown, but still more so to him also who wears it."

This important function of government seems to be securely established, because public sentiment rebels at the idea that the determination of a criminal court should be absolutely and forever irrevocable. It may be regarded as the true province of a government that it should provide for mercy as well as for justice

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—for reformation as well as for punishment. A learned modern law-writer, treating of this subject, has asserted that "the idea of justice, stern, certain, and unappeasable, is inconsistent with the better impulses of our nature, repugnant to the teachings of our religion, and in conflict with those influences of our civilization which are fast changing our prisons from penitentiaries to reformatories."

In monarchical countries the power of pardon is vested in the crown. There the king is usually the prosecutor of all offences against the criminal laws of the realm, and in his name all actions are brought; therefore it is appropriate in theory that he should have the power to remit any punishment inflicted for the vindication of public justice. In this country all power is in the people and criminal offences are deemed committed against the public, but nevertheless the constitution of the United States provides that the President "shall have power to grant reprieves and pardons for offences against the United States, except in cases of impeachment." In the States the power is usually vested in the Governor, either alone or by and with the advice of his council or a board or court of pardons. In at least twenty-eight States the power is reposed in the Governor alone. In at least seven States the power is conferred upon the Governor acting with a board, court, or council. In one State the power is expressly retained in the Legislature. In two States the Governor and Senate may exercise the power. I am not advised as to the other States.

In the State of New York it is provided in its constitution that "the Governor shall have the power to grant reprieves, commutations, and pardons, after conviction, for all offences except treason and cases of impeachment, upon such conditions and with such restrictions and limitations as he may think proper, subject to such regulations as may be provided by law relative to the manner of applying for pardons." This authority, upon its face, would seem to be more essential and beneficial than that conferred upon the President. While a cursory perusal might lead to that conclusion, a more careful examination, however, proves otherwise. While it is true that the clause conferring authority upon the President does not expressly mention "commutations" and is silent upon the matter of "conditions, restrictions, and limitations," which the Governor is expressly at liberty to impose, yet the President has,

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in fact, the same powers, because it has been adjudicated that the general power of pardon includes the lesser power of commutation, and that it also carries with it the implied authority to impose any conditions which the President may desire to impose. The recital of these two powers, therefore, in the New York constitution, may now be regarded as unnecessary verbiage. Besides, the Governor's power to pardon is restricted to cases "after conviction," while the President's power, being general and unlimited, may be exercised at any time after the commission of the offence, whether before or after an actual conviction. It will be observed that the Governor cannot pardon for the offence of treason or in cases of impeachment, while the President may exercise his prerogative in every case except impeachment cases. The right to grant a pardon for the offence of treason was wisely conferred upon the President. For obvious public reasons it is essential and appropriate that the Chief Executive of the nation should always be in a position to promptly extend amnesty in all proper cases, pending a rebellion or insurrection, or subsequent thereto. No other official can so well understand the situation, or appreciate the motives of public policy which induce and require action in such emergencies. There is no legal distinction between a pardon and an amnesty. Amnesty, however, is said to be "a compact rather than a grant, and is addressed to a population instead of an individual." A pardon includes amnesty.

There is no restriction to the "conditions" which an Executive may attach to a pardon, except that the courts have held that they must be reasonable. It is, of course, implied that he cannot impose impossible conditions. The most usual conditions are as follows: first, where the crime was committed in a state of intoxication, the convict is frequently required to abstain from the use of intoxicating liquors for a certain period of time, generally five years—sometimes for life, especially in cases of homicide; second, where it appears that the public interests will be peculiarly subserved or the best interests of the convict promoted, he is often required to leave the State or country either permanently or for a stated time. It may be safely asserted that experience has demonstrated that the conditions exacted have been generally fulfilled in good faith. It is believed that the requirement in regard to abstaining from the use of liquors has been productive of much benefit. Many instances

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can be recalled where the convict has been thoroughly reformed and where he not only remained sober during the allotted period, but ever afterwards. In some cases convicts thus released have become conspicuously earnest in their zeal for the temperance cause, and have afforded practical testimony as to the wisdom of such a condition. It cannot be denied that drunkenness is a fruitful source of crime, and any restriction which tends to lessen the evil should in proper cases be freely imposed and rigorously enforced, not only for the good of the convict, but also for the protection of society.

The utility of the other condition is not so obvious, and it has seldom been imposed in New York in recent years. It may well be doubted whether it is good policy for the Executive of each State to seek to make some other State the asylum for its criminals or to unload them upon other countries. It would seem to be preferable that each State and country should keep within its own borders its own pardoned criminals, maintaining over them such surveillance as prudence may dictate. A general policy of expulsion towards the recipients of executive clemency in one State is likely to induce a similar course in another State by way of retaliation, and a system is thereby inaugurated of compelling unfortunate convicts to find a refuge in places other than their own homes. Unless there are extraordinary circumstances to justify exceptions, it is believed that, as a general rule, a condition requiring a convict to leave the State where he was convicted should not be attached to a pardon. Not long since a peculiar and interesting case was presented to me, as Governor of New York, where insistence upon such a condition seemed desirable.

A bright young man, scarcely twenty years of age, had been sent to this country from Liberia by his parents, who were reputable and well-to-do people, to finish his education. Being somewhat wild, he fell among evil companions in New York city and was soon led astray. He stole some money and was sent to prison. In consideration of his youth, his previous good character, and other circumstances, I pardoned him, upon condition that he return immediately to Liberia with the messenger whom his parents had sent to accompany him home. It was regarded as appropriate in this case that such a condition should be insisted upon, not especially for the protection of the State, but in the hope of effecting a reformation by restoring him to the custody of his par-

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ents in his own country. He returned to Liberia, and the information which reaches me is that he is now leading a correct life.

In whom the power of pardon should be vested is a question upon which there is much difference of opinion. The framers of the federal constitution and of most of our State constitutions came to the conclusion, after much discussion and deliberation, that the prerogative properly belonged to the Chief Executive. There has been a tendency of late years towards the establishment of a council or board in which should be reposed at least some advisory functions pertaining to pardons. It has been strongly urged that the power is a judicial function, and that its lodgement in the Executive or in the Legislature is an anomaly in our institutions. It has also been argued that the power is too important a one to be reposed in a single official, especially a Chief Executive who is usually overburdened with administrative duties, and who must find it impossible to devote the necessary time for the proper consideration of the numerous cases which are constantly before him. On the other hand, it is said that there ought not to be a division of responsibility in such matters. It is suggested that, while the responsibility is fearful to contemplate, its very magnitude induces scrupulousness and caution. It is contended that a tribunal of four men can better evade, shift, and shirk responsibility than can one official, and that the latter is less likely to be moved by extraneous influences than is a council or board. Hamilton, who was well versed in the science of government, reached the conclusion that "one man appears to be a more eligible dispenser of the mercy of the government than a body of men." The force of that conclusion is much augmented if it be conceded that the one man is conscientious, independent, and resolute.

It must be admitted that there have been some scandals connected with the discharge of this power by councils or boards in certain States, while there has been no serious allegation that the power has ever been abused by an Executive. Whether favoritism, prejudice, and sympathy, in the execution of this high function, can better be avoided by a body of officials than by a single official is a question not free from difficulty, and there are plausible, if not reasonably satisfactory, arguments on both sides. It is probably true that the trend of public opinion is against the "one-

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man power." The majority of magazine contributors and many modern law-writers join in the opposition. It is very likely the popular side. But after an experience of seven years in the administration of this great trust, I feel constrained to say that it is my deliberate conviction that our fathers were wise when they provided that the pardoning power should be lodged in the Chief Executive alone, and, in my opinion, it ought not now to be transferred.

I am aware of the criticism which a single official evokes in the fearless performance of his duty; of his liability to err; of the vast responsibility which he assumes, involving frequently the momentous question of life or death; of the antagonisms which he necessarily creates; of the severe strain and labor which a conscientious and intelligent discharge of his duties involves; and yet, even in the light of these considerations, I am still inclined to believe that the public interests are, as a general rule, better subserved where the responsibility is not divided. I realize the fact that other Executives, emerging from several years' discharge of such arduous duties, have taken a different view of the matter. I have great respect for their opinions, but I am compelled to differ with them. I recall the instance where a most distinguished and able Governor of a Western State, at the close of his official term, issued a pamphlet earnestly and vigorously arguing against the possession of the pardoning power by the Executive of the State, and advising the creation of a board to assume that function. Under the constitution of his State he was deprived of the veto power, neither could he approve bills, and he had no voice in the legislation enacted, while his principal duties, aside from the exercise of the pardoning power, consisted in the appointment of notaries public; and yet he seemed to have been so impressed with the responsibility assumed that he actually advocated a transfer to another tribunal of about the only important duty which invested the office of Governor with dignity and character.

In other States, where Governors are busily occupied with important legislative and other duties, the suggestion that they are unable to give the necessary time and attention to pardon cases is not without weight; but with the assistance of a competent and faithful pardon clerk, who is usually, and always should be, provided, it would seem as though a painstaking and diligent Executive should be able to exercise the high prerogative re-

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posed in him in a reasonably satisfactory manner, and with honor and credit to the commonwealth.

It has been asserted that the exercise of clemency is a semi-judicial act, and that inasmuch as Executives have, as a general rule, no authority to summon witnesses or to take testimony in a formal way, their examination of pardon cases must necessarily be imperfect and to a large degree ex parte and unsatisfactory, and that, therefore, additional reasons are furnished why such functions should be discharged by a court expressly created for that purpose. There is some force to this contention, because cases are constantly arising where a searching oral examination of witnesses is indispensable to a proper determination of the merits of the application. But this objection does not apply to New York, where, in 1887, at my instance, the Legislature passed an act (chap. 213 of the laws of 1887), providing for the subpœnaing of witnesses and the production of books and papers in any matter arising before the Governor upon an application for executive clemency, and also authorizing the Governor to appoint a referee to take any testimony which may be offered. I regard such a statute as a valuable contribution to the facilities required for a proper and just administration of the criminal laws.

What are the precise grounds upon which clemency should proceed? It is easier to ask than to answer this question. It may be assumed that clemency should be based upon public considerations. General and consistent rules should be observed as far as possible, although each case must largely depend upon its own particular circumstances. It is seldom that there are any two cases exactly alike; and this fact opens up a large field of discretion to be wisely exercised. It is clear that the constitutional provisions to which I have referred are so broad that the pardoning power must be deemed to be absolutely discretionary. It is doubtful whether even the courts have the authority to compel an Executive simply to *decide* a pardon case. He may, by reason of the peculiar circumstances surrounding the application, regard his duty as best discharged by holding the case without final determination at all. It is difficult to discover how his course in that respect can be reviewed by any judicial or other tribunal. He should always act from the highest motives of public policy and regardless of personal consequences; without trepidation, fear, or favor; unaffected by political or other improper influences;

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unawed by public clamor or prejudice; with courage, integrity, and good judgment.

There may be occasions when he should interfere as an act of political justice, where some corrupt and unworthy judge, unmindful of his duty, has undertaken to serve the ends of partisanship by the improper exercise of arbitrary powers in cases involving political consequences. Such instances are rare, however.

There is a vagueness and indefiniteness surrounding the pardoning power which renders it a most delicate and thankless duty to discharge—a task usually not thoroughly appreciated by the public. It is governed by no fixed or arbitrary rules. It is controlled by no higher authority. The popular idea is that it may be exercised at the mere caprice of the Executive, and that he is not obliged to expose his reasons. But the constitution of New York, as well as the constitutions of several other States, requires that the Governor "shall annually communicate to the Legislature each case of reprieve, commutation, or pardon granted, stating the name of the convict, the crime of which he was convicted, the sentence and its date, and the date of the commutation, pardon, or reprieve," and a long-established custom seems to demand that the reasons upon which his decision is predicated shall accompany his report. There can, therefore, very properly be no secrecy concerning his action. It is a public and not a private proceeding. The Legislature and the people, while unable to reverse his action, may judge of its merits themselves.

It is well said that "a pardon is purely an act of grace." No one is entitled to it as a matter of strict right. Mere sympathy should not dictate its allowance, but considerations of mercy alone are sometimes sufficient. Shakespeare's *Portia*, "a young and learned doctor to our court," is made to say that the quality of mercy

> "becomes
> The throned monarch better than his crown."

How far mere mercy may be the controlling motive for granting a pardon is a question addressed solely to the conscience of the Executive. There can be no just cause of complaint "when mercy seasons justice," if the act proceeds not from a mere whim, but is approved by an honest and sound discretion. It has been tersely said "that the very notion of mercy implies the accuracy of the claims of justice."

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There are a few general rules or principles which may be laid down as safe to follow in these cases.

1st. The Executive should not interfere to correct mere errors of law which may be remedied by an appellate court.

2nd. He should await the *final* determination of a criminal case.

3rd. The findings upon disputed questions of fact decided by a jury should usually be regarded as conclusive.

4th. Newly-discovered evidence of the innocence of the prisoner may be accepted, provided relief based upon it cannot be had in court.

5th. Cases should not be considered where the term of imprisonment does not exceed a year, except upon the allegation of entire innocence. (This rule is necessary to relieve the Executive from the multiplicity of small cases arising under sentences from the minor courts.)

6th. The prisoner's conduct while in prison must have been good.

It may be interesting for the public to know the routine course which is generally taken when an application for a pardon is entertained. A petition must be presented from the convict, or in his behalf, setting forth the nature and circumstances of the conviction and the grounds upon which executive interposition is asked; and upon its filing a letter is sent to the district attorney who prosecuted the case and to the judge who presided at the trial, asking for a statement of the facts of which they have official knowledge, and for their opinion of the merits of the application for pardon. Another letter is sent to the warden of the prison where the convict is confined, asking for a report in reference to the conduct of the prisoner since his incarceration; and when replies are received from these three sources, the case is ready for examination by the Executive.

Naturally the opinions of the judge and district attorney are entitled to considerable weight in the consideration of the case, although they are by no means conclusive. Sometimes the facts upon which clemency is sought have arisen since the trial, and these officials have no knowledge concerning them. Where both concur in recommending the pardon, it is ordinarily, though not always, granted. If their opinions differ, the case usually receives further and more careful consideration. If the case is otherwise

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meritorious, but the conduct of the prisoner while confined has been bad, the application is denied. This seemingly harsh course is essential to preserve the discipline and good order of the prison.

The cases which are very difficult satisfactorily to decide are those where the prisoner is concededly more or less guilty, but where the punishment which has been imposed seems to be excessive. Some contend that a merely excessive sentence presents no proper ground for executive interference. It is urged, not without some force, that it is not the province of the Executive to revise the sentences of the courts simply because the opinion of the Executive may differ from the opinion of the judge as to the punishment needed. The judge who sees the witnesses and hears all the evidence is certainly more competent, usually, than a stranger to determine what the proper sentence should be. Yet, while all this is true, it is evident that a judge unconsciously is often unduly influenced by the prejudiced atmosphere of a court-room and the unreasonable clamor of a community, and hastily inflicts a sentence which in his cooler moments he would not deliberately approve; and injustice would clearly result if a general rule should be observed which forbids sentences from being commuted, although concededly excessive. Let me give an illustration.

A young man scarcely twenty-one years of age, living in a rural county in the western part of the State of New York, left his home to find work upon a farm, his parents moving at about the same time to Buffalo. Unable to find steady work, he roamed about the country, and unfortunately fell into the company of a hardened criminal, who persuaded him to accompany him, when one day they entered a dwelling-house, the family being absent, and secured something to eat, and the young man stole a dollar and two cents. They were subsequently arrested, and they both pleaded guilty to burglary, the young man refusing to give his true name for fear his parents would hear of his disgrace. His companion being shown to be an experienced burglar, indignation in the county ran high against the two. Without making any particular inquiry as to the previous history of the young man, the judge sentenced him to *twenty-six years' imprisonment* in the State Prison. This was in September, 1888, and his parents did not learn of his misfortune until about June, 1891, he being all the mean time in prison. His parents then

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presented an application for a commutation of his sentence, which was entertained. The district attorney wrote that since the conviction he had "investigated the case more thoroughly," and had "come to the conclusion that the sentence was *somewhat* excessive." The judge attempted no justification, and simply wrote: "I think, on the whole, it would be a wise thing to extend to him executive clemency." It was shown that the young man had never been arrested before and that his previous character was excellent. I promptly commuted his sentence, and he was immediately released from prison. His sentence was an outrageous one and wholly indefensible. He should have been sent to the Elmira Reformatory, and not to prison. The case fittingly illustrates the necessity for executive interposition in instances where excessive sentences have been thoughtlessly or unfairly imposed.

The fatal illness of a prisoner is a constant source of embarrassment to the Executive, because it is made a very common ground of application for the commutation of sentences, and presents many difficulties. There is a sort of prevailing notion among the people, or some classes of them, that any prisoner ought not to be allowed to die in prison, but that he should be released whenever his illness is believed to be fatal. Such people argue that the public interests cannot suffer if the prisoner should be allowed to die outside of prison walls, and that the dictates of humanity require that himself and his friends should be spared the alleged disgrace of such an ending of his life. They seem to forget that both he and they have been, in reality, as much disgraced by the original sentence and imprisonment as they can possibly be by the simple death of the convict in prison; yet the fact cannot be disguised that, either from superstition, prejudice, or whim, the popular idea is that to such a prisoner ought not to be refused the poor privilege of dying among his friends and outside of prison scenes. The denial of such a request does seem cruel and apparently heartless; yet in seven cases out of ten it is probably true that the accommodations of the prison hospital and the skilled attention which the prisoner receives are far better than would be afforded him among his own friends.

It seems quite impossible to establish an arbitrary rule in this class of disagreeable cases. Where the sick prisoner is serving out a life-sentence, the request for release upon the sole ground

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of his fatal illness may be more easily denied than when the sentence is for a term of years, because a life-sentence contemplates the death of the convict while in prison, but a fatal illness during a short term is an unexpected event. A practical difficulty arises sometimes when the prisoner is ill and the physicians think he cannot recover and his friends are urging the necessity of speedy action. The Governor must act promptly and upon the information before him, and is liable to err. An instance is on record in the State of New York where one of my distinguished predecessors pardoned a very sick convict upon the sole ground that he was likely to die, and, though the medical representations were abundant that his illness would prove fatal, he subsequently recovered and is alive to-day. It might be a questionable exercise of power, or at least a violation of propriety, to make it a condition of granting a pardon that the convict should die or else be returned to prison. Public sentiment would probably revolt at such an obnoxious and unusual condition.

In July, 1888, I commuted to imprisonment for life the death-sentence of an Italian woman named Chiara Cignarale, who had been convicted of murdering her husband, and among the grounds for my action which were stated at the time, in my "Public Papers" of that year, appears the following: ". . . it is certified to me by eminent physicians, in whom I must place confidence, that the prisoner is and has been for some time seriously ill, and that in all probability she cannot survive over a year at the most, and is likely to die at any time." One of the most celebrated physicians in the country wrote: "In my opinion, it is impossible for her to live longer than a year at the utmost." Yet she is alive to-day, and is understood to be enjoying fair health in the New York Penitentiary.

Where a sentence is for a short term and a prisoner is so dangerously ill that his recovery is believed to be impossible, the exercise of clemency may be justified in the interest of humanity, although there may be no other grounds upon which to support it. Yet even this safe rule subjects the Executive to the constant importunities of friends who, unnecessarily alarmed at the illness of a prisoner, besiege the Executive for immediate favorable action.

The desirability of some general rule of action in these cases

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is very apparent. Their proper disposition occasions more anxiety and annoyance to the Executive, and demands greater circumspection, than almost any other class of cases.

Whether executive clemency should be freely or sparingly exercised has given rise to much discussion. I have conversed at different times with Governors Seymour, Tilden, Robinson, Fenton, Cornell, and Cleveland, of my own State, upon this point, and the impression which I derived from such interviews with all of them, except Governor Cornell, was that, if they had any criticism to express in regard to their own action, it was that they had not exercised the pardoning power freely enough. As I understood it, they would have preferred to give pardon cases more consideration, but were unable to do so because of numerous other important duties which constantly engaged their attention.

Another source of embarrassment to an Executive arises where a jury finds a prisoner guilty of murder in the first degree and at the same time recommends him to the mercy of the court. Such a recommendation is without legal effect and cannot be considered by the court in mitigation of the sentence which the law imperatively requires shall be imposed. But it is made the basis of an appeal to the Executive for clemency, and must be respectfully considered. It has been ignored in many cases, but in a few it has been regarded as of sufficient weight, in connection, however, with other facts, to require executive interference. It is believed that such recommendations should not be encouraged. They enable a jury to escape or evade the just responsibilities which attach to their position. They secure verdicts which otherwise would not be rendered. They unduly stimulate appeals to clemency and arouse expectations which ordinarily cannot be realized. Neither should courts, in my judgment, anticipate or prejudice executive action in their determination of criminal cases. I have known of one or two cases where convictions for murder in the first degree have been affirmed, and yet the court has seen fit to suggest that the case was a proper one for executive interposition.

The exercise of the pardoning power should be so regulated as to subserve the best interests of the State and at the same time to secure, if possible, the reformation of the offender. Clemency may often be wisely extended where a deserving convict has not long to serve and steady employment shall be guaranteed imme-

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diately after his discharge. One great reason why there are so many second-term convicts in our prisons arises from the fact that upon a discharge from his first term the convict can find nothing to do, and easily returns to a career of crime. There is, naturally, a prejudice among the people against the employment of persons who have served a term in prison; but what are the poor convicts to do and what is to become of them if no employment shall be opened to them? They must starve, beg, or steal, if they cannot find work. This thought leads to the suggestion that benevolence and philanthropy can find no better field for their exercise than in securing employment for discharged convicts who are deserving. An effective society organized for such a beneficent purpose could accomplish much good, and, in my opinion, it is one of the needs of the hour. I commend the suggestion to the consideration of those who have the means and disposition to inaugurate so desirable a movement, which can be productive of so much benefit. Who will start it?

DAVID B. HILL.

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THE DARKER SIDE.

BY LADY HENRY SOMERSET.

THE poor of all great cities may be broadly divided into two classes. First, those who work for wages, miserably low but fairly regular, whose earnings keep them from starving, though never sufficient to remove them from the verge of famine; whose good fortune may be summed up in the expression that they are not chronically in a state of utter destitution. The second class includes those who are. The rookeries in which they live are the plague-spots of great towns. It is an army wretched and weary, recruited from the refuse—if so cruel a word may be used—of every country under heaven. Their continued existence is a standing wonder and a standing menace,—a wonder because how the gains of their sweated labor and petty peddling can support them is a mystery; a menace because no public peace or morality can be secure with such a class in our midst.

My definition of this second class almost excludes comparison; utter destitution knows of few degrees. In America food is cheaper, and fewer meet their death by starving; and, indeed, among the native American population of New York few are wholly destitute; while in London the casual dock laborer, the "unemployed," the captives of the sweating-den, in spite of our vast mass of Jewish labor, are English or Irish, and form the bulk of the pauper outcasts.

Undoubtedly, however, the cosmopolitan character of New York has produced within its precincts samples of the vices of all nations. In London we have nothing parallel to Chinatown and the Arab quarter. When I visited the former of these, I saw an American girl lying senseless in an opium den, surrounded by the heathen authors of her shame; herself, their fellow victim, in the toils of that relentless vice. As I looked upon that scene,

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which seemed to give the lie to one's belief in the divine spark that exists in every human heart, another girl passing me where I stood, with a faint blush of shame that spoke of the memories of a brighter past, covered that poor degraded child with a newspaper that lay at hand.

The curse of poverty is great, but in no country has anything struck me as so horrible as this reënforcement of the evil that we know by the unspeakable horrors of the heathen world. It is not my purpose here to linger on this subject. It is one to tax all the enthusiasm and eloquence that man or woman could muster to denounce as the vilest, the most unnatural, and the most festering evil of modern times.

To pass to the first of my two classes of the poor. In London what strikes one most is their immense number and low individual calibre. Their long subjection has so robbed them of ambition and self-respect that the one thing that would raise them—the wish to rise—has to be instilled, instead of helped. Such is the work of centuries of neglect; such the nemesis that the apathy of our fathers has brought upon us.

Whitechapel is the district which has generally been taken to be the worst in our English metropolis. Really it is only typical of a score of areas such as South Lambeth, St. Pancras, Southwark, and Soho. But Whitechapel will serve as an example, and for choice let us take our stand in the Mile-End Road.

This is a magnificent thoroughfare running through all East London from the heart of the city to its confines at Bow—a street wider than any I have seen in New York, with pavements on either side almost as wide as the roadway itself. Here, one would think, was the great opportunity for a popular boulevard, green with trees, and bright with flowers and little lawns, showing in its splendor some of the wealth the daily toil of its teeming millions produce. Alas! it is far otherwise. The wealth is gone to deck the lazy West End, and the only gayety is the garishness of vice. On a Saturday night, here in the heart of London, in this great artery of its system, what shall we see?

The wide street brilliantly lit, brighter than any street in all the town; but not by the public gas-lamps. The sidewalk alive with the passing crowd; but this is not the throbbing pulse of industry. The air resounds with the voices of men and of women; but there is nothing human in the sound.

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The brightness is the glare of the gin-palace lamps. We can see forty on the opposite side of the street in less than a quarter of a mile. The beat of the shuffling footsteps is the march of hopeless fellow creatures sullenly tramping to Saturday's sorry saturnalia. The cries that strike through the cold night air fall like a whip upon our hearing, for over all there rings the shrill shriek of women lost to womanhood; and I know no more dreadful sound than the outcry, indecent and profane, of a drunken woman. In this fearful pandemonium there are many such. The shadows on the gin-shop doors are the shadows of mothers drinking at the bar within, drinking with their babies sometimes at their breasts, drinking their children's food and lives away. It is here that girls are led by drink to forget their virtue, and then to forget their vice; and—shame upon us that this is so!—it is by the hands of women, mostly young, that the poison is handed across the bar.

Here at a moment's glance you may see the distinctive curse of London's poor. The women drink. Mothers, daughters, sisters, wives, grown women, children of tender years—the gin-shop is open to all, and all go to it. Nowhere in New York did I see or hear of women not utterly abandoned habitually frequenting saloons. Nowhere in London is there a public house but the women will be as good (?) customers as the men. It is impossible to overrate the influence, the soul-destroying influence, this has had upon the homes of the poor; for it is by this, I am convinced, that the idea of right and wrong has come to be hopelessly confused where it is not absolutely lost. It is not uncommon to find a mother who since marriage has been a faithful wife, and perhaps before that a virtuous girl, looking on with indifference while her daughter "goes on the streets," and is lost in the unnumbered legion of victims hourly sacrificed to the demon of vice. She may regret the fact, as a mother in a wealthier station might regret her daughter marrying beneath her, but there is no shock, no natural horror, at the wanton marring of God's fairest handiwork, a woman's soul. In our long worship of mammon, the shame of poverty and the shame of sin have got confused: to the poor in their misery the burden of disgrace is but a slight addition to the load they already carry.

It is this demoralization that makes the case so serious; this that differentiates them from their compeers in misfortune in

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New York. There, for the present at least, public sentiment amongst themselves forbids open drinking and open drunkenness amongst the women; but the terrible amount of unlicensed liquor-dealing that goes on, unless promptly checked, must soon rob them of this superiority.

Whether drink causes poverty, or poverty drink, is a matter over which philanthropists may wrangle. For my part, I have never had a doubt, and this is what my experience has taught me: let a man or woman give up the public house, and within three months his or her whole environment will have changed; in six he or she will have forever left the slum where hitherto he or she lived contentedly. It is by the poorest wage-earners that the public houses are maintained, and probably the meanest could not subsist with a custom of less than £2,000 yearly. If so,—and this is a minimum amount,—the forty I have mentioned in four hundred yards of Mile-End Road must mean an annual tribute of £80,000, say $400,000, from the poorest of the population. Spent in their material benefit, what would not this sum effect? what the moral gain with this incentive to evil gone?

New York seems to me to have the advantage of England in three respects. Her quotum of submerged poor is smaller; they are individually more self-reliant; their women are more self-respecting. And yet so wretchedly is this class housed that all these advantages seem to be in a fair way of being lost in the vice of the system that herds them together. I have spoken of the unlicensed drinking that I fear is undermining the self-respect of the women. It needs little of the spirit of prophecy to foretell what must be the future of a city that packs its infant life in tenements such as those that disgrace the East Side.

It is only within the last score of years that London has at all realized how great her evils were. Considering that we have had to make up the omissions of centuries, it is marvellous how much has been done. Private benefactors and the public law, ground landlords and the county council, all have joined hands in the work of rehousing the poorer artisans; and, although much remains to be done, so educated is public opinion that 5 per cent. is the accepted maximum interest that ought to be expected from capital expended in such dwellings, if in any way they are to prove a benefit to the tenants. The middleman in London may still exact an exorbitant rent from his single-room tenant in the

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slum ; but, thank God ! his trade is being made harder every day, and the worst tale of London is better than what I saw in this city a week ago. Three men sleeping in a cellar, their beds a few boards stretched across the barrels that held the fruit they hawked by day ; the floor of mud, with pools of filthy water here and there ; and for the privilege of sharing such quarters with the rats each was paying thirty-five cents a week—eighteen pence of English money ! It is probably only within the last few years that New York has awakened to the fact that the down-town back alleys can eclipse in horror the worst purlieus of Liverpool and London. When disasters such as the fire in Madison Street alley occur, Fifth Avenue learns for the first time "how the other half live."

Here are evils that must be faced and manfully grappled with. In London the fact that the evil is of old standing, the lack of field for labor, the daily addition to the pauper class by foreign immigration from abroad and native immigration from the impoverished rural districts, all make the problem more complicated and more difficult of solution. New York is a modern city —I understand its rapid growth dates from 1812—standing on the threshold of a continent whose wealth and enterprise are the wonder of the world. To her the task of dealing with her poor should be as easy as it is urgent. What kind of citizens must conditions such as I have alluded to produce ? The very glory of New York's democratic liberty will be the guarantee of future disaster. A race of paupers would be a mocking offset to the great achievements of the world's greatest republic. In America an hereditary class of idlers strikes one as an anomaly—at whichever end of the social scale it may occur.

ISABEL SOMERSET.

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"NINETY MILES IN EIGHTY-NINE MINUTES."

BY THEODORE VOORHEES, GENERAL SUPERINTENDENT OF THE NEW YORK CENTRAL AND HUDSON RIVER RAILROAD.

"ANOTHER record broken. A remarkably quick trip from Jersey City to Washington." These are the headlines that appear in the morning papers, and call attention to the latest fast, long-distance special train. The account goes on to say that the distance, 227 miles, was covered in exactly four hours' running time, and that "the party aboard was delighted at breaking the record."

Of those who read this account, how few gave a thought to the real merits of the feat and the fine organization necessary to make it possible! Even of those who were passengers on the train in question, how few, aside from the professional railway men who may have been of the party, appreciated the details of the effort that was being made for their benefit! To make such a trip possible required, first, a road-bed, solid, substantial in every respect, free from bad curves, guarded from all liability of obstruction, and protected by reliable signals. Next, that the rolling stock and motive power be in perfect order and of ample capacity to do the work assigned. And, finally, after the most careful preparation, all would have gone for naught had not the actual handling of the train been put in charge of engineers whose experience, skill, nerve, and courage fitted them for the work. Such men are rare and by their employers valued, but by the public seldom appreciated.

The technical knowledge required to handle a locomotive engine is not a difficult matter to acquire. Ordinarily a boy, after spending a preliminary year or so in the round-house or shops, is put on an engine as a fireman. His period of service in that capacity varies greatly according to the natural ability he may display and the

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exigencies of the service. From a fireman he is promoted to the first or lowest grade of engineer, *i.e.*, on a yard or shifting engine. From that he is promoted, in due time, to the next grade, that of freight engineer, and finally he is put in charge of a passenger locomotive.

A man, to fill this position, should have had sufficient experience to know exactly what to do in any case of emergency; should be prompt and quick in decision, clear-eyed, alert, watchful for any indication of danger, free from fear or nervousness, forgetful of self if danger does confront him. To the credit of American locomotive engineers, it must be said, our records show that we have many such men in active service to-day.

Yet a man may be all this and thoroughly competent to handle a regular passenger train, who would still be unfit for such record-breaking service as has been of late the subject of newspaper comment. "Ninety miles in eighty-nine minutes!" "One hundred and forty-two miles in one hundred and forty minutes without a stop!" One can hardly appreciate what this means until one sits by the engineer's side and sees it done.

The skill and judgment come from long experience; the coolness, the watchful eye, and the nerve are born in the man and cannot be acquired. Great generals are born, not made. So it is with fine engineers. No amount of experience will produce them unless they possess the special qualities needed.

Sometimes it happens that a single accident will destroy the future of a capable man. Some years ago there was a young engineer employed on a railway in the State of New York who was in every way fitted for his position. Intelligent, quick-witted, with a thorough knowledge of the locomotive, he was prudent, watchful, prompt in emergencies, and capable of performing any duty required. One dark night, while running a regular passenger train and passing over a specially crooked portion of the line, there suddenly appeared before him the headlight of an approaching locomotive on the same track. No time to do more than shut off steam and apply the brakes, and the collision occurred. Both engines were overturned and badly wrecked. The fireman had had a moment's warning from the engineer and jumped. The engineer stood by his work, and went down in the wreck. When picked up, his shoulder was dislocated, but no bones were broken, and he was soon able to be sent to his home. His principal trouble

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appeared to be from the shock. After a few weeks he gradually recovered. He got out, and after a further time reported for duty. He was put back on his former train. He appeared to be quite well and as fit for duty as ever. The train started and all went well during daylight. The return trip was made at night. As the train approached the crooked piece of road, the fireman noticed that the engineer seemed to grow white and nervous, and involuntarily to shut off steam. The train drew nearer and nearer the scene of the accident, and the engineer grew more and more nervous. Finally when the exact spot was reached, he fell over. He had fainted. His career was at an end. He never stood on the footboard again.

To drive a locomotive at a very high speed continuously for a considerable distance undoubtedly involves the exercise of great skill and judgment on the part of the engineer. That it necessarily involves a great strain on his nerves or endurance does not follow. On the contrary, very many cases occur in the daily working of our railways where men are put in positions trying by reason of the risk to be encountered rather than by any speed required.

The calling of a locomotive engineer is one involving a certain hazard. The degree of danger involved depends very greatly on the nature of the service.

Regular trains, that are duly advertised and shown on the schedules of the road, that are run regularly day after day by the same men, are by far the safest service. The men running them become used to them and perform their daily work with the regularity of machines. They think as little of danger as the passengers in the trains behind them. Many a man to-day is running the same train he ran ten, fifteen, even twenty years ago, and will continue to run it for years to come. With such service the question of speed counts but for little. Provided the work be regular, uniform, day by day the same routine, it soon becomes a matter of custom or habit, and with good health it cannot be said to involve any special strain on the system.

Not long since the engineer of a limited train "pulled out" from a station where the train had made a regular stop. Within the next two miles he brought the train to the precise rate of speed called for by the schedule, about forty-two miles per hour. After that, save for an occasional glance at his gauges, he appar-

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ently did nothing for nearly two hours. He did not move the throttle-valve nor touch a lever. Except for his watchful look ahead one would not have thought him on duty. Approaching the end of his run, he got off his seat, took off his overalls, and had the fireman give him a basin of water, with which he washed his hands. A few minutes later he gradually shut off steam, and then with the air-brake brought the heavy train to a stop at the end of an eighty-one miles run, exactly on schedule time. Such coolness and accuracy can only be acquired as a result of daily habit and long experience.

The recent exceptionally fast service between New York and Buffalo, involving, as it does, a speed of a mile a minute for the greater part of the distance, has proved no more trying to the engineers who run the train than to those of other regular trains of the same line. The speed is a question of power and weight —the power of the locomotive to do its work easily and the weight of the train. The chief anxiety of the engineer is as to whether his engine is in first-class condition, capable of doing the work called for without crowding. He knows that every man on the line is alert and looking for his train, that every possible precaution is taken to insure him a clear track, that the chance of any obstruction is reduced to a minimum. He drives his engine, conscious that he has the best "run" on the road, that he has a position eagerly sought after, with no thought of possible danger, but with a feeling of pride that his engine is capable of such work and that he is identified with a road where such work is possible.

Irregular or special train service is accompanied with more risk of accident than regular service. It constantly happens that the requirements of the business necessitate special service, often on very short notice. Such work always involves a certain risk, and is proportionately trying to the engineers. Especially is such service dangerous when performed at night or in a storm or dense fog. To drive an engine "running extra" on a dark night or through a driving snow-storm or heavy fog is as unpleasant a duty as can be assigned to an engineer; the chief danger being, not the risk of collision, which even in fog is but slight, but the danger of striking some trespasser walking on the track—a danger which unfortunately is ever present to our engineers.

The annual reports of the various State Boards of Railway Commissioners give the number of persons who each year lose

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their lives while trespassing on railway tracks. Of the far greater number of persons who daily walk on the tracks and narrowly escape death we hear nothing. And yet the narrow escape is almost as trying to the engineer as the real accident.

The engineer will often on rounding a sharp curve meet a long freight train on the opposite track. Directly ahead and but a few feet distant stands a woman on the track waiting for the freight train to pass. The noise of the passing cars prevents her hearing the approaching train. The engineer reverses his engine, applies his air-brake, and pulls his whistle-lever, knowing all the time that he cannot possibly stop in the short distance. The most hardened veteran at such a moment will feel sick and faint. It may happen that at the last moment the woman sees the engine and leaps backward. She is safe, but will not recover from the fright for hours, while the engineer sweeps on and does not recover his composure for some time to come.

It is not alone the trespasser on the track ahead that requires the close attention of the engineer. There is a constant succession of signals, switch targets, train or station indicators, etc., all of which require his watchfulness.

It would be difficult to convey an adequate idea of the number and variety of details that go to make up a single run of an engineer, or the full degree of responsibility that rests upon his shoulders. The greater number of our roads, even those with the heaviest traffic, have but a single station at each point. All passengers habitually walk across a track to take a train going in one direction. Overhead bridges or under passage-ways are almost unknown. Even where they are provided the public rebel and evade their use by every means in their power. The result is that one ever-present danger which our engineers have to guard against is that of running over passengers who may be entering or leaving a train on the opposite track. This, while it may seem a matter of course, often involves the exercise of great judgment on their part.

Highway crossings at grade are a constant source of danger. Accidents often occur that are absolutely beyond the power of the engineer to prevent, and yet in very many cases the men are held accountable and the company held liable.

Horses and cattle break through fences and appear suddenly in front of a train. Such a case occurred but a few days ago,

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where a pair of horses came off a farm-crossing directly in front of a train. The result was that the engine was thrown in the ditch bottom side up, the fireman killed outright, and the engineer and one other employee seriously injured.

That all signals must be promptly obeyed is a matter of course. This becomes a sort of second nature to an experienced engineer. He will shut off steam and apply the air-brake at the sight of a danger-signal long before a novice who may be riding on the locomotive with him will have caught sight of the signal. To aid the engineers in this respect, where signals are liable to be obscured by smoke or escaping steam, auxiliary audible signals are sometimes used—torpedoes on the rail or gongs.

Accidents from a direct failure to properly observe and obey fixed visual signals are very rare. Yet when they do occur the consequences are so serious that the attention of inventors has been especially turned to the subject. Several very ingenious devices have been suggested to supplement the action of the engineer when passing a danger-signal, and, in fact, to do his work for him in case of negligence. One of the most ingenious proposes to use the compressed air of the air-brake, and by that power, called into action by a guard-rail on the track and certain electrical connections, automatically to shut off the steam on the engine and apply the brakes on the train, in case of any neglect on the part of the engineer.

The locomotive engineers of this country, from the necessities of the case, are a picked body of men. They are prudent, trustworthy, sober, and intelligent in a very high degree. In nothing is this better shown than in the success that has been attained by them in the organization known as the Brotherhood of Locomotive Engineers, which comprises the great majority of the engineers in the United States. This is a form of trades-union which, under the wise and skilful guidance of its grand chief engineer, has for many years upheld and advanced the best interests of its members throughout the country. That the Brotherhood has made some mistakes its best friends will not deny. But it has proved of incalculable benefit to the widows and orphans of hundreds of its members. And in one especial feature its policy should be commended. Differing from many so-called labor organizations, which seek to level all their members to the grade of the least efficient, the Brotherhood has always recognized the necessity

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and value of classification; urging that different men be paid according to their experience and the duties required of them, and so using its influence to elevate and promote its members, by degrees, to the highest grade of proficiency, instead of holding all down to the level of the least efficient.

What becomes of old engineers? There is a certain fascination in the occupation that unfits many men for any other work. They have no ambition, but are content to live and die engineers. On the other hand, many are promoted to the higher positions in the mechanical department of the railways. They become round-house foremen, engine-despatchers, master mechanics, etc. Exceptional men make exceptional advancement in this as in other callings. Some of the most able men in the railway service of the country to-day began life in the shops and worked their way up from the foot-board of the locomotive.

Many very useful and valuable devices have been the invention of locomotive engineers. In fact, the efficiency of the American locomotive may be said to be in a large measure the result of such inventions. It is by reason of their skill and ingenuity that the American locomotive is so efficient and is able to perform an amount of work that is the wonder and admiration of our friends abroad.

With these locomotives American railway managers move on our railways—the greater number of which have but a single track, and many of which can hardly be said to be more than half finished—a traffic which in volume, rapidity of transportation, and economy is a constant marvel.

But no efficiency of our locomotives would accomplish this result were it not for the fidelity, skill, ingenuity, and trustworthiness of the men in charge of them—our locomotive engineers.

THEODORE VOORHEES.

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THE FIRST COST OF SHIPS.

BY CHARLES H. CRAMP.

NOT long ago a metropolitan newspaper quoted me in an "interview" as saying that the higher classes of ships could be built as economically in this country as in Great Britain.

This observation called out a number of inquiries and requests for more specific information; among which was a letter from the editor of THE NORTH AMERICAN REVIEW offering the pages of that eminent periodical for any elaboration of the subject suggested that might seem proper.

In availing myself of that offer, it is proper to say that I do so, not from desire to provoke controversy, but with a view to clear away some prevailing misapprehension as to the relative state of the shipbuilding industry in this country and abroad, and as to the effect of the alleged or supposed difference in first cost upon the growth of our merchant marine.

The scope suggested by this inquiry is naturally much beyond the limits of a single magazine paper, and, besides, the pressure of daily duties precludes such exhaustive treatment as I should like to give it. Therefore, the tenor of this paper will be that of a cursory survey of the most recent achievements in shipbuilding and their effects upon the conditions of ocean steam traffic.

A review of the comparative history of British and American shipbuilding from the foundation of our republic would be interesting and instructive, as showing a steady tendency to superior workmanship and more elaborate finish on the part of American builders, class for class and rate for rate, whereby a factor of greater first cost was established, independent of any other conditions; but space and time forbid anything more than reference to it as a fact.

Coming immediately to the subject matter of the existing state of things, it may be said that there is perhaps no topic which so many men discuss, and so few comprehend, as the technique of shipbuilding. This fact is gratifying as an evidence of

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growing public interest, but it often gives rise to amusing *contre-temps*. For example, the frequenters of the smoking-room of one of our great trans-Atlantic liners, in a recent passage, had been treated to a voluble disquisition on the comparative "lines" of certain rival steamers. Persons not familiar with the subject were profoundly impressed with the belief that this gentleman was an authority. Finally one of the listeners interrupted the discourse to inquire what the gentleman understood the term "lines of a ship" to mean. He was unable to define the term at all. It is this fact of limited public knowledge that makes misapprehension so easy, and accurate information so hard to convey.

The simple question, Can you build a ship as cheaply in the United States as in England? is as impossible of direct positive or negative reply as would be the question, Can a man be educated as cheaply in one country as in the other?

The absurdity of the latter question would be manifest, because any one could see that it depended partly on the man and partly on the education. In different ways, but in a similar generic sense, the principle would apply to the first question, and the answer would be that it depended partly on the ship and partly on the builder.

With regard to the simpler and plainer types of vessels, such as are used for freighting mainly, it is not worth while to discuss them here. The question solves itself to any one of average intelligence who will go aboard and compare the workmanship, style, finish, and general range of seaboat qualities as between any freight vessel like those of the Metropolitan Line or the Morgan Line or the Clyde Line, for example, and the usual English tramp of approximately equal burthen.

Put the plans and specifications of the average English tramp in the hands of an American shipbuilder, and he could not duplicate her. He would build a better vessel, of superior workmanship and neater finish in every respect; for the reason, to put it broadly, that the mechanics who make up an American shipyard organization are trained to a grade of performance which they could not reduce to the standard of tramp-construction.

Under these circumstances this branch of the subject may be dismissed summarily, with the statement that an English freight ship of the usual type could not be duplicated in this country at

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any cost. Whether our superior standard in vessels of this class is an advantage or a disadvantage in competition I will not attempt to decide.

Coming to the highest class of vessels,—that is to say, the most recent trans-Atlantic liners, which are rated first in speed and accommodations,—the attention of the world is now directed to certain conspicuous ships. These are the "Columbia," the "City of Paris" and "City of New York," and the "Teutonic" and "Majestic."

In model these vessels show no improvement over the best American or British model of thirty years ago. Dividing them and the types which they represent into three groups, we find them distinguished by marked differences of form and construction, and also of machinery detail, but there is little difference in outfit or engine performance.

The recent award by the Cunard Company of the contract for a new ship to the Fairfield works, of which Dr. Elgar, late superintendent of dock yards, is naval architect, will probably develop a fourth type.

It is not my purpose to go into an exhaustive analysis of the peculiarities of these several types, and I have introduced the fact of their existence partly because I have seen no previous reference to it and partly to preface some remarks more directly pertinent to the main points of my theme. Thus, when one uses the term "British ships" for purposes of comparison with "American ships," it is calculated to mislead, because the inference would be that all "British ships" were alike; or, at least, that the similarity of type, model, mode of construction, cost, etc., class for class, was sufficiently close to make the national designation alone an adequate basis for comparison.

Nothing could be further from the truth. Every great shipyard, of long existence and extensive output, acquires methods, systems, and practices peculiarly its own, and these in turn express themselves in the characteristics of vessel which it designs and builds.

The result is that, while there may not be much difference in the average performance between vessels of the same class by different builders, so far as speed, endurance, cost of operating, and annual expense of repair are concerned, there will be material difference in the means and methods by which these results are

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reached, and hence a corresponding disparity in estimates of first cost. A Harland & Wolf ship will not be a Thomson ship, nor a Laird ship, nor an Elder ship; and the same rule will apply to further comparisons between the others.

An error quite prevalent is the supposition that whenever a trans-Atlantic steamship company decides to add a new first-rate vessel to its fleet, complete plans, specifications, etc, are prepared and submitted to a number of competent shipyards for competitive bidding, after the fashion of the United States in its navy contract work. As a matter of fact, this sort of thing never occurs. As a rule, each company has its particular or favorite builder; and often they are associated financially.

The builders' type of ship becomes the company's standard for service. The excellences of the type have been ascertained by experience, and opportunity has occurred to detect and remedy any defect. Hence the steamship company and the builders work together, and their coöperation results in the growth of a fleet having a reputation of its own and with it, to a very great extent at least, a settled class of public patronage.

In short, the business, in a certain way, is governed by the general commercial rule that public patronage is largely a matter of habit, and that in making use of ships, as of other wares, people continue to patronize that which has suited them once.

There are many shipyards in Great Britain; more than in the rest of the world combined; but, so far as my observation enables me to judge, there are not more than three or, at the outside, four yards which would be considered by any of the great steamship companies in connection with a first-rate modern vessel such as is now required for trans-Atlantic mail and passenger service.

As before intimated in referring to the diversity of types, vessels of this class involve specialties of model, motive power, structural character, and quality of equipment, which, it may be said, make them *sui generis*, and in many particulars it is impossible to form an advance estimate of cost without a very liberal margin for contingencies. These facts are well understood in England, and their logic is invariably observed in negotiations for building such ships. It often happens that, after the general scheme and approximate price have been agreed upon, achievements elsewhere make expedient certain departures from the original.

In this connection it is worth while to bear in mind that dur-

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ing the construction of the "Majestic" and "Teutonic" at the Belfast yards, for the White Star Company, work was suspended for several months pending consideration of material changes, some of which were adopted and others rejected.

But these conclusions were not hastily reached, and were based upon actual observation of the behavior of rival ships built elsewhere. Under an iron-clad contract, with arbitrary fixing of specifications and price, this could not have been done without friction. It may be that there are good reasons why the United States Government should to a great extent tie both its hands and those of the contractors by inflexible written stipulations under bond and penalty; but no such conditions are imposed in transactions between steamship companies and shipbuilders of established rank, for the simple reason that both would be subject to probable or possible embarrassment thereby, and experience demonstrates that it is better to leave the mass of detail to the operation of the common rules of business as encountered in the progress of the work.

From these observations it ought to be tolerably clear that the question, for example, Can you duplicate the "City of New York," or the "Majestic," or the "Columbia"—using the word "duplicate" in the purely structural sense—for the cost of those vessels in Great Britain? would be putting the matter in an impracticable form. The "City of New York" is a product of the peculiar methods, practices, and systems of the Thomsons, of Clyde bank; the "Majestic" similarly represents the Belfast yard of Harland & Wolf, and the "Columbia," the Lairds, of Birkenhead.

In each case the vessel is of a special type, and embodies idiosyncrasies which no other establishment could imitate—at all events, not at equal cost.

The proper form in which to put the question is: Can you build a ship to do the work of the "City of New York" or the "Majestic" or the "Columbia," in all respects, for the same cost? To that question I would reply: Yes, or within as small a margin as would be likely to prevail in a similar case between any two British shipyards.

Our ship might differ from the "City of New York" in the ratio of principal dimensions, in the type of machinery, in style of finish, in fittings, equipment, and accommodations, and in many other things, as sanctioned by our experience or approved

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in our particular practice; but she should exhibit at least equal performance in speed, seaworthiness, comfort, durability, and, all other things being equal, in economy of operation.

But the point which I wish to accentuate is that the ship would be of our type and our model, and would embody our methods, our systems, and our practices; she would not be a duplicate or an imitation of any other ship, whether British or otherwise. A proper apprehension of this point and an adequate realization of the importance of its bearing upon any question as to the comparative first cost of high-class vessels in this country and in England are absolutely essential to practical or valuable knowledge on the subject.

In this connection I will refer briefly to a phase of the subject which I have exploited at other times in the numerous inquiries that have been made by committees of Congress.

That is the fact that the "first cost" of ships is not only not a prime factor, but it is not even a serious factor, in any competition that may occur between this country and Great Britain for a share of the traffic of the ocean.

My views in that direction are, perhaps, well enough known to make repetition of them here unnecessary, and I do not know that I could say anything that would affect any differences of opinion which may exist.

I simply state the fact as such, in order to preface the further and more important statement that growth of demand for new ships, with its resultant development of contributory industries in steel and iron and other materials of construction, its enlargement and improvement of plant and personnel employed, its natural incentive to greater energy and enlarged enterprise, and, above all, its assurance of security and perpetuity in the business, would speedily wipe out any small margin that may now exist against us in the matter of first cost, generally speaking.

Whatever else may be needed to restore the United States to its footing as a maritime power I leave to the patriotism and wisdom of our legislators to determine.

Referring, in conclusion, to the inquiry as to the relative cost of construction for navy account in the two countries, it must be borne in mind that disparities in bases of comparison exist in that direction even greater than in merchant shipbuilding.

In Great Britain public patronage in great amount has been

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constantly and consistently extended to private enterprise, from time immemorial. Here, excepting the abnormal period of the Civil War, government patronage of private shipyards is a thing of recent growth; not more than seven or eight years old.

The evolution of the modern war-ship in England was a steady and natural growth; the strides of progress were short and easy, and all contributory industries were concurrently developed by equally easy stages. There was no sudden transition; no leap into unknown or untried fields. From the first iron war-ship of any note—the old "Warrior," in 1857—up to the "Hood" and the "Royal Sovereign," first-rate battle-ships of 1891, there was a rate of progress the steps of which were as regular as the ticking of a clock. At all times and under all conditions the shipbuilding industry of Great Britain has been of paramount national importance; recognized as such by every public authority and fostered as such by every public power.

The advantageous effect of such a state of affairs may be best apprehended by contrast with the conditions under which American shipbuilders undertook, a few years ago, the task of rebuilding the United States Navy.

On November 7, 1881, just ten years ago at this writing, the first Naval Advisory Board reported a general scheme of naval reconstruction. The assembly of this board was one of the acts of the Garfield administration. From it may be dated the prevailing consistent policy of the *new navy*, though actual construction was not begun until about two years later.

At the outset it was resolved that we must have ships of the latest approved standard in every respect of material, armament, and equipment. When the work began, there were, say, three shipyards that the Navy Department considered competent to undertake it. But there was no steel-mill that had ever made plates and shapes of the quality required by the government specifications; no foundry that had ever made steel castings of that standard; no forge capable of making the steel shafts, or the tubes, jackets, and hoops required for the motive power of the ships or for the built-up breech-loading rifled cannon of large calibre wherewith to arm them; and no plant able to even entertain a proposition for the heavy armor-plates necessary in the construction of fighting ships. To such an extent was this true that the steel shafts for the earlier ships, the forgings for the pioneer

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eight-inch guns, and the compound armor for the turrets of the monitor "Miantonomoh" were all imported.

Without going into tedious detail of these preliminary operations, it may be said in bulk that we not only had to build ships of even a higher grade than their contemporaries abroad, with no commensurate initial resources, but we had to create a new group of industries in every branch of the art of steel-making to supply us with the necessary material.

Under these circumstances American shipyards have built or are building about forty naval vessels of numerous rates and types, all of the very highest and most effective class in the world; and this development has been crowded into a space of about seven years. To put the case a little stronger, you may say that, with only the existing authorized construction in view, this country will have the third navy in the world within less than ten years, from a starting-point which may be described as at zero!

By that time we will have four first-rate battle-ships, six powerful double-turreted monitors, two heavy-armored cruisers, thirteen large protected cruisers, two of which are the fastest and most effective in the world, and fifteen smaller vessels of from 2,000 tons down to first-class torpedo boats.

In addition to these achievements we have developed on our own soil forging, foundry, and rolling plants with capacity of production, as to size or quality, equal to any in the world; and all this has been built, you may say, literally "from the ground up."

To state the case in another phrase, we have, in a comparatively brief period. accomplished practical results commensurate with those due to steady growth during many years abroad.

Manifestly it must have been impossible to carry all these things along together at such a rapid pace and to surmount so many initial difficulties with such celerity at a normal cost. No one conversant with the laws of trade would expect it. But it is a well-known and admitted fact that a decrease in cost per ton of displacement, or per indicated horse-power of machinery, or per foot-ton of ballistic energy in our guns, or per unit of effective resistance in our armor, has quite kept pace with our growth of facilities and our enlargement of output.

The disparity in cost of naval ships between our yards and those of Great Britain, ton for ton, gun for gun, and performance for performance, has dwindled in seven years until, in the

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case of the three latest battle-ships, the margin between our prices and those of similar constructions abroad may be expressed by a very small figure. To illustrate the rapidity of progress in this direction I will call attention to the fact that Congress, by an act approved June 30, 1890, authorized the construction of three battle-ships of "about 8,500 tons' displacement," to cost "not more than four million dollars each, exclusive of armament"; and the vessels now building under the provisions of that act are of 10,400 tons' displacement, or nearly 25 per cent. larger and more efficient than those contemplated by Congress, with a margin on each ship of over $800,000 for fixed armor and other necessary deductions.

Gratifying as this prodigious development of new and great industries may be in the warlike sense, and in view of its guarantee of our independence as a nation for defence or for offence, its peaceful significance is still more profound.

At this writing there are plants and organizations in the United States capable of producing in any quantity, and of the highest quality, any structure in steel or iron or brass, or any other metal, that can be produced anywhere; a state of things which did not exist seven years ago, and the present existence of which is a direct outcome of the enterprise and energy called forth by the rebuilding of the navy. In my opinion it must be a pretty poor American who is not proud of such achievements in so short a time.

With regard to the character of the vessels built or building for the navy, so much has been said about it in the daily press, and public interest has been so constantly and so cordially expressed in every form, that comment here would seem unnecessary. Suffice it to say that it is the universal testimony, both of our own sailors who have been abroad in the new ships and of candid foreigners who have seen them, that they are excelled by none and equalled by but few in their respective classes anywhere.

If the current policy of naval reconstruction be pursued for another decade, coupled with a vigorous and consistent execution of the measures recently enacted in behalf of the merchant marine, the question which forms the subject of this paper will be asked no more; unless, indeed, its point should be reversed and Englishmen be asking one another, Can we build ships as economically as they can in the United States?

CHARLES H. CRAMP.

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THE BEST BOOK OF THE YEAR.

BY SIR EDWIN ARNOLD, GAIL HAMILTON, AGNES REPPLIER, AMELIA E. BARR, THE REV. DR. CHARLES A. BRIGGS, JULIEN GORDON, AND DR. WILLIAM A. HAMMOND.

SIR EDWIN ARNOLD:

You have done me the honor to invite me to mention which is the most remarkable book I happen to have read during the past year, and to give my reasons for the choice, as well as some account of the particular book.

Ordinarily this would be rather difficult, for I am a varied and omnivorous reader, and should be puzzled in most years to pick out the special work which had made the most impression upon me. But now it chances to be an easy answer which I shall make. I brought on board the "City of New York," when starting for this country, four volumes to beguile the brief voyage. These were a pocket copy of the Greek "Odyssey," a Russian grammar, a Japanese fairy-story book, and "La Bête Humaine," by Émile Zola. Beyond doubt it is the last mentioned which has most forcibly impressed itself upon me of late, and which I shall associate always with that wild and wintry voyage across the Atlantic.

I take it that anybody who pretends to keep at all abreast of modern literature must read, and does read, whatever Zola writes. I myself have certainly gone through every word of his writing: some of it with disgust, much of it with deep pain, and much of it, from the point of view of literary art, with profound admira-

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tion. There can be no question but he is one of the greatest masters of fiction in past or present times, and will stand forth in times to come the chief representative of the realistic school of novels. With how subtle a skill, for example, does he not open the grim and dismal story of "La Bête Humaine"? Before two or three pages are perused we find ourselves familiar with Roubaud, the deputy station-master, and with Severine, his wife, whom he has married from the house of the Chief-Justice Grandmorin, his godfather and guardian. Nothing more tender, pretty, or idyllic could begin a book than the telling of the railway official and his wife meeting in the little upstairs room of the Rue d'Amsterdam, and one almost hopes that M. Zola is going to give us at last a glad and clean book, such as he knows well how to write. But suddenly a little slip on the wife's part about a ring that she is wearing tears the veil away from the jealous eyes of her husband; he discovers that she had in by-gone days improper relations with the chief justice; and in a frenzy of rage and anguish he forces her, after a scene of frightful violence, to write a note to M. Grandmorin, which brings that aged debauchee into the train going back from Paris to Havre. During the passage of that train, Roubaud murders M. Grandmorin, obliging Severine to assist in the deed; and from that hour forward the whole volume seems to be written in blood, so full are its red pages of the shadow of evil passions, assassinations, envies, hatreds, malice, and all uncharitableness.

It is not long before we make the acquaintance of Jacques Lantier, the driver of a locomotive engine named *La Lison*, which figures in the story as quite a special and living character. Jacques is the son of Gervaise, of "L'Assommoir," is perhaps the central personage of the book, and the one who links it with those previous volumes of Zola in which the fortunes of the Rougon-Macquart family have been evolved in that dark, gloomy, fateful chronicle so well known to M. Zola's readers. Jacques Lantier is a special example of that heredity on which Zola dwells so constantly. He is born with a latent passion in his blood to kill—a passion always specially aroused by the presence of any woman who awakens desire in him. It is not fair even to read or quote M. Zola in anything except French; his style is one of his great attractions, being in the highest degree lucid, strong, and flexible. Moreover, most of his translators do him very poor justice,

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traduttore traditore. "La Bête Humaine," for instance, should by no means be rendered "Human Brutes," the title given it in the American version, but, rather, "The Brute in Man"; and, to be brief, half the wonderful force of the French realist exhales when you strip him of his Gallic garb. But here is, so far as it goes, a passage in English defining the curse that lies upon Jacques Lantier:

"So it had opened again, that odious ulcer of his life, which he thought at last closed and healed! Once more that insane impulse to kill, to kill a woman, just as a desire of her began to overpower his senses, that impulse which he had carried within him from his childhood up, had returned as the implacable plague of his existence. How well he remembered its first appearance: that little girl at Plassans, who had once kissed him on the lips with a kitten-like, caressing gesture. He had scissors then in his hands, and had to throw them away quick, quick, or he would have sunk them in her delicate pink and white neck. Who was he to have such a destiny meted to him? His mother, Gervaise, bore him when hardly fifteen, and, before him, his brother Claude, the painter, also strange and wild in his mood. Later Etienne, another diseased branch of that same tainted tree. They all seemed ill balanced, with an hereditary insanity creeping out under one form or another. It appeared, at times, that he was not himself, but some one else, over whom he had not the least control, one who was leading him, in spite of all resistance, to shame and murder. Perhaps whole generations of fathers and grandfathers, drunkards and debauchees, were bound to bear such fruits, spoiled in the germ, and never to grow whole and healthy. He dared not touch alcohol, as one glass was enough to drive him crazy. But he felt, all the same, that the drunkard's blood coursed in his veins, dragging him back, with its all-powerful grasp, to the savage instincts of the wild beasts of the field, to that first state of the primeval man, brutal and bloodthirsty.

"Indeed he hated them not, these wretched women he had so often felt like strangling or stabbing to death. He hardly knew them sometimes; chance acquaintances of the street; neighbors at some theater or stage; scarcely spoken to, but always bringing home to him, with the first desire of possession, the stronger craving for immediate murder. A strange dulness would creep over his brain, and it seemed then as if he had to avenge some far off insult made to one of his race, in centuries past, by some woman who had left the hatred of her sex in the blood of the insulted one's race; and he thirsted for that revenge, as if he had but to slay his victim, to throw her panting body over his shoulder, and to walk into the wilderness, the deed done, his task accomplished."

The masterly art of Zola is seen in this volume, as much as in any other of his extraordinary series, by the way in which he makes his story grow out of the business along the railway line, and brings into its scope all the daily and weekly incidents of a great main steam road. Just as the novel "L'Assommoir" had for its focus the life of the Paris workman, and that entitled "Au Bonheur

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des Dames," the life of the Paris shopwoman, and "La Terre," again, the low and earthly desires and ideas of the French peasant, so this volume is a faithful mirror of railway existence and work; and it is with an amazing dexterity that the author weaves the daily passage of the trains and the traffic of the line into the terrible web of the sins and passions and sorrows of his characters. Incidentally one learns the working of trains, the actual routine of the officials who manage them, and it almost might be said, indeed, that the line from Havre to Paris is like an iron thread upon which are strung the lurid events and low crimes which blot the book from end to end with tears and blood. Severine and Roubaud keep their bad secret close, but, as in the case of that other absorbing story by the same author, "Therese Raquin," their crime has killed in their bosoms all love, and Roubaud turns to gambling, while his wife takes up with Jacques, the engine-driver.

There is an ugly, lonely house along the line, at the mouth of a long tunnel, which we get to know and shudder at as the mysterious centre of all the crime and misery of the story, *La Croix de Maufras*. Round this point a group of new characters gather: Flore, the signal-girl; Misard, the pointsman; Cabuche, the quarryman, and Pecqueux, the stoker, who in conjunction with Jacques drives the locomotive *La Lison*. This engine is the real mistress of Lantier; he is never tired of cleaning and polishing her, or of lavishly satisfying her eternal passion for oil, and we almost feel with him that she lives and has an existence and disposition of her own in the scenes where Jacques drives her through the piled-up snow, or in the last frightful catastrophe of her career, when Jacques tries to avoid the fatal collision which Flore has prepared for him in order to be avenged against Severine. The signal-girl smashes up the train, but fails to kill Jacques, and afterwards, in a fit of remorse and disappointment, goes into the tunnel and stands up full front on the line to meet the express, which crushes her. The evil current of the narrative presently draws Jacques and Severine into an absorbing desire to get rid of Roubaud, and it is while the engine-driver is waiting at the *Croix de Maufras* to assassinate her husband that the sudden impulse to slay, which always mixes with his brutal love, constrains him to turn upon Severine and to kill her with the very same knife which she had

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given to her husband, and with which the Chief-Justice Grandmorin had been put to death in the train.

The gloomy and miserable atmosphere of the book—never for one instant relieved except by the accurate pictures of railway life and the working of this great road—becomes more and more darkened by the low avarice of Misard, who slowly poisons his wife to get hold of a thousand francs, which she has hidden, and by the vulgar quarrels and vile amours of the railway-staff people at Havre, Rouen, and Paris. With Severine's death, the hereditary curse lurking in the blood of Lantier is fulfilled, and here is such a translation as I find to hand of the feelings of the man, as Zola depicts them :

"So, at last he had satiated himself; he had killed! Yes, he had done it! A boundless joy, a monstrous feeling of contentment, filled his whole being, in the triumph of the accomplished deed. He enjoyed a fierce surprise of satisfied pride; he was indeed the male, lording it over the minor race. That woman—he possessed her at last, as he had always dreamed to possess her; he had her whole self, even to annihilation. Never could she belong to any other. And he remembered also the corpse of Chief-Justice Grandmorin, lying on the track, limp and rag-like. Just such a wretched object she was now; a mere puppet, empty and worthless; a stab of a knife had made that of a human, living creature. Was it not in the presence of the other murdered body that he had sworn to himself to taste these acute delights of killing? While leaning over the dead man's remains, he felt running through his whole being a thirst for blood and murder. Oh! to know now that he was no coward! that he had had the courage to plunge the knife into that throat! The craving had grown in him slowly and surely. For a year he had marched, step by step, toward the inevitable deed. Upon the throat of the woman stretched before his eyes the two crimes had met, as it were, brought together by the implacable logic of fate."

But the baneful influence of the *Croix de Maufras* is not yet exhausted! Jacques has got a new engine, *La Lison* having been broken to pieces; and has taken up with a new mistress in Philomène, the companion of Pecqueux, the stoker. This man who was, beforetimes, faithful and devoted as a dog to Lantier, and always associated with him on the foot-board and the locomotive and in the station lodgings, becomes possessed of a fierce jealousy and hatred towards him, and there occurs a very powerful description of the last ride these two men take together, conducting from Havre to Paris a train full of soldiers who are going to the war with Prussia. One may deny many merits to Zola, but never that of dramatic force. It is beyond measure impressive to read those last pages, where the two men, now become bitter enemies,

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struggle to the death on their flying engine, hurling each other at last in a fatal embrace on to the track, where both are cut to pieces, while behind their abandoned engine those eighteen cars, full of drunken, singing, and shouting "food for powder," fly along the line through the night to a fatal smash-up. Most skilfully does the author make his blind, mad, runaway locomotive an image of Fate dragging the victims of his genius through blood and woe unspeakable to their wretched destiny. In the last paragraphs of this terrible book its characters and the express train seem to be whirled together out of sight into a black cloud of woe and wickedness which closes over all. To quote once more the very imperfect translation published in America:

"But now all the telegraphic bells upon the line were ringing, all hearts were wildly beating, at the news of the phantom train which had just passed Rouen and Sotteville. There was a great shudder of deathly fright. No doubt the express ahead would not by any chance escape. And the train, like a wild boar in a thicket, rolled on, mindless of signals or dynamite fuses. It almost upset a pilot engine at Oissel; it terrified Pont-de-l'Arche as it passed the station with undiminished speed. And, disappearing again, it rolled on, it rolled on, to the mysterious over-there!

"What mattered the victims the engine crushed on her way! Did she not drive on toward the future, heedless of the blood that poured like water? Without a driver, in the night, like a blind and deaf brute let loose among the dead and dying, she rolled on and on, ever dragging behind her that flesh to the cannon pledged, these soldiers stupefied by wine and fatigue—who sang."

A clean sweep is thus at last made by the author of his *dramatis personæ*. Grandmorin, Severine, Flore, Lantier, Pecqueux, Misard's wife, Cabuche, are all killed or dead; Roubaud is gone to the galleys for life, and the express train full of howling soldiers rushes in the very last line out of sight to a ghastly catastrophe. Horrible from beginning to end, the book leaves upon the mind an overpowering sense of "the beast in man," and, for my part, as soon as I had finished it I went to the side of the steamer and hurled it as far as I could into the sweeping billows of the Atlantic, with a feeling that no other eyes should have the pain of perusing it.

Nevertheless, as a man of letters myself, I must acknowledge, and do acknowledge, the marvellous power of this great master of fiction. Zola's theory of human life is detestable; his choice of subjects is repulsive; his treatment of them is too often needlessly and aggressively coarse and offensive; and he exaggerates to the

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point of monstrosity the evil in humanity at the expense of the good. His study is a dissecting-room, where nothing interests or engages that poisoned scalpel, his pen, except the cadaverous and the diseased. Even allowing all the importance he claims for this great and well-established principle of heredity, it is still the case that good is as much inherited as bad, and is so vastly a predominating force in the universe that in the working of these two rival principles nature is always rooting out and healing the inherited evil. M. Zola forgets, or for the purpose of his art ignores, the fact that virtuous propensities are bequeathed from generation to generation, as well as vicious. As far as human life is concerned, and its true study, we might as well take the incurable ward in a great hospital as a specimen of the daily existence of mankind, and leave utterly out of sight the pure and happy homes, the bright society, the glad and graceful intercourse, the countless unrecorded brave and unselfish deeds, the gentle general flow of human existence. I find in a local journal, this very morning, the Detroit *Tribune*, some observations which are very much to the point on this head as regards novels and newspapers. The journal remarks :

"Look over your morning paper and you receive the impression that the world is filled with crime and disaster. You lay it aside with a feeling almost of despair. But you were abroad all day yesterday, threading miles of streets and mingling with thousands of people, and you saw no crime committed. You did see, however, enough of duty done, of kindly helpfulness, of cheerful self-sacrificc in time, convenience, and service, to have filled a dozen newspapers with the recital of them. Here are columns of the papers filled for weeks with the doings of one woman who is said to have poisoned her husband. Well, you know of some wife whose daily self-sacrifice for a helpless husband would furnish materials of noble heroism for a volume; but such devotion is so common as to pass without comment. Wifely devotion is not 'news,' while wifely infidelity is news, and there is a deep, hopeful, reassuring meaning in it. It would be a bad world if it had to be raked all over every day to find good deeds sufficient to fill a newspaper."

Nevertheless, incurable wards do exist in our hospitals, and taints of hereditary insanity do affect the blood, and sin and selfishness and wild, low passions do exist among us too widely and too palpably to be ignored ; and I am not one of those who would for one moment deny to M. Zola the right to choose these sombre themes for his extraordinary art. I do not even think his books immoral. If they be immoral in the sense of being mercilessly outspoken, coarse, revolting, and painfully true to our lowest

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nature, he would still have a right, in my opinion, to paint upon his rough canvas whatever picture suited him best, so long as he did not paint for the sake of pruriency or the amusement of the vile-minded. Art *quâ* art has nothing whatever to do with the boundaries of morality as they are laid down in Sunday-schools and Young Men's Christian Associations. It violates its own truest rules only when it depicts the truth, as a pander, not as a painter. In the cellars of our British Museum in London are justly hidden away some works in marble, of such superb execution, such life-like creation, that nothing above ground in public sight approaches them for artistic excellence. They were the embellishments of certain rich Roman villas at Capri and Naples in days when the best Roman art lent itself to the worst desires. In these splendid, but wicked, works, art has dethroned herself, because her motive was unroyal and disloyal; but I do not think such can be said of M. Zola and his books.

Weak minds would be much more easily corrupted by "Madame De Bovary" or "Mademoiselle De Maupin," the well-accepted works of Flaubert and of Gautier, than by even the brutal "La Terre" or the terrible "L'Assommoir" of our author; nay, I consider some of his books as distinctly and powerfully of a most moral tendency; for example, "Therese Raquin," which could not be read even by a criminally-minded man without a shudder at himself and his inclinations. As for the subtle charm of Zola's style, I well remember bringing that book from Paris on a stormy day to read as I recrossed the Channel. The sea was rough, the rain and spray flying, and in my not very comfortable corner on deck I commenced the perusal of that awful book. After some time, when everybody had gone below seeking refuge from the weather, I felt rather cold myself, and looked at my watch, but, making a mistake, mistook the hour, and imagined that we had been at sea only some fifteen minutes. I therefore went on reading the passage which absorbed me at the close of the volume, and suddenly heard the cry "Dover! Dover!" showing that eighty minutes of time had passed away like eight minutes without my notice, under the spell of Zola's wonderful genius. In regard to philosophy and the theory of human life, no man can be farther away from my views than this cynical and unsparing French pessimist; but I recognize with admiration his stupendous genius as a realist, and I am quite sure that posterity

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will keep, as painful but precious memorials of our time, the dark and dismal studies that he has made of this our humanity, which, if it touches heaven on one side, certainly plunges deep into its native clay on the other.

I flung "Therese Raquin" into the Channel, as I threw "La Bête Humaine" overboard into the Atlantic; so that I am no propagandist of the ideas of M. Zola; but those who can read him in the French, in which alone he should be studied, know nothing at all of criticism if they style him less than a great master; and I have here at least candidly answered you as to what book has impressed me most painfully, but most permanently, of all those that I have chanced to read during the past ten or twelve months.

EDWIN ARNOLD.

GAIL HAMILTON:

THE most impressive book that I have ever seen is The Modern Iphigenia, an English story by an English author whose name has not been known to American literature. The work owes its power to no charm of style, no artistic grouping of details, no dramatic development of cause and effect; but to the deadly distinctness with which it reveals the sombre, sacrificial fires of pagandom glowing on Christian altars.

The glory of the English race is its self-government. The glory of the English occupation of India is its splendid organization. A crowned conqueror, England submits to the laws which it has imposed upon the conquered. Before its majesty the lowest pariah is on a level with the highest nabob—nay, with the haughtiest ruler of the ruling race.

Yet in this England, our mother land, the home of justice, the light of Asia, an altar of savage lawlessness is reared and Iphigenia lies thereon, bound and speechless, yet

> "Dimly can descry
> The stern, black-bearded kings, with wolfish eyes,
> Waiting to see her die."

And over those kings a Queen whose white hands, calm and cruel, —please heaven, unconscious of their cruelty!—bind the slow cords into their final knot of torture.

For Iphigenia is no myth, of doubtful origin or reality. She is a living woman, and her altar is the prison of penal servitude.

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A living woman with the habits and associations of ancestral culture ; a mother, of passionate devotion, torn from her children, who are robbed even of her name and given to another woman ; a daughter, the sole comfort of a mother whose moans should move the pitying skies—"Would God I could die for thee, O my child ! my child !"

The modern Iphigenia is an American girl, become an English subject by a marriage at eighteen to an Englishman of twice her age, who dies eight years afterwards. The brothers-in-law come out of the dying man's room with a will professing to have been signed by him, leaving them sole control of his property and his children. They, who have already thrust his wife from his bedside, a servant who has already foully betrayed her mistress's trust, a meddlesome, middle-aged gossip who was once betrothed to the young woman's husband, and who is now divorced from her own, concoct a theory that the young wife poisoned her husband. A mysterious illness falls upon her some hours before her husband's death, and holds her speechless and unconscious for many hours after, during all which time the conspirators are balefully busy. The police are introduced, not to make discoveries, but to adopt the discoveries which the conspirators allege themselves to have made, and the theory of guilt which they have already framed. The doctors swallow the poison of asps placed under their lips, though they frankly swear they had never suspected or thought of poison until it was suggested to them by the conspirators. The dead body is explored, but no poison is found. Nevertheless, the stern, black-bearded kings, with wolfish eyes, of whom the rapacious brothers-in-law are chief, surround the bed where the foreordained victim lies, still dazed and prostrate, with no friend of her blood near, and summon her from the Valley of the Shadow of Death with the announcement that she is under arrest for murder !

Forcibly restraining her natural convulsion at the shock, even to laying their coarse hands upon her bared and shrinking limbs, they snatch her from the bed, from the arms of her too late summoned mother, to the hideous gaol. Another and more determined exploration is made into the exhumed body of the dead, and is rewarded by the desired "find"—a minute particle of arsenic, harmless, medicinal, of such widely-distributed sort as the eminent Parisian chemist Raspail declared he could find in

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the judge's arm-chair—even beyond that, abundantly accounted for by the husband's well-known habit of taking arsenic, or by the doctor's drugs prescribed to him in his last illness,—but still arsenic.

The young mother is haled before the judge, and the judge casts her into prison.

"It is necessary to an unfavorable verdict that the man died of arsenic," is the judicial principle laid down at the outset to the jury.

The trial does not prove that he died of arsenic. The overwhelming evidence is that he did not die of arsenic. But he must! The stern, black-bearded kings, with wolfish eyes, will wait in vain to see their victim die, if her husband were not murdered.

The adroit judge shifts his ground. He no longer asks: "Was this man poisoned to death?" He asks: "Why did this woman poison him?" He no longer says to the jury: "You must prove that the man died of arsenic." He says: "You must *not* merely consider whether this man did or did not die of arsenic according to the medical evidence. . . . You *must rely upon your knowledge of human nature* as to the results at which you will arrive"!

The jury heeds the hint. Abandoning the evidence, this English jury of farmers and bakers and milliners and plumbers betake themselves to their "knowledge of human nature," and on that knowledge bring in a verdict that this young mother poisoned her husband to death.

It is incredible, but it is contemporary English history. It is not a myth. It is in the records of English law which are collected in this book.

"The bright death quivered at the victim's throat," but the horror of a great people quenched the gleam. The law was forced to call a halt upon itself by the popular revolt. The executive officer dared not execute. The bright death quivered, but the man who held it dared not thrust it in for fear of the people; yet dared not unbind the victim for fear of the judge: so he smothered sentence and reprieve alike in sophistry.

"It is essential that the man died of arsenic," had pronounced the judge.

"There is a reasonable doubt whether he died of arsenic," pronounced the executive.

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What, then, was the only righteous course? The judge himself had indicated it in his charge to the jury: "Are we sure, beyond all reasonable doubt, that she is guilty? If she is not, she is—NOT GUILTY."

The executive says: "There is reasonable doubt whether she is guilty; but she is—GUILTY."

And the throat which they dare not pierce, they clutch. Her youth is blasted with a curse, and she is cut off from hope in that sad place which yet to name my spirit loathes and fears.

If England is a pagan nation, what sword shall sever the cords of innocence upon the altar of sacrifice?

If England is a Christian nation, who shall roll us away the stone from the door of this sepulchre wherein a living creature lies enshrouded?

But not only, not even first, is the individual suffering. It is the menace to order, it is the peril to life and liberty and free institutions; it is the temptation to revolution; it is the defiance of law by the law-makers; it is the mockery of justice by its administrators; it is the crime against society by the leaders of society; it is the obtrusion of heathenism into Christendom, that makes this outrage ominous.

Victoria!

> "Not alone in the East is she greatest and best.
> We own the sweet sway of Victoria, West.
> By her womanly worth, without contest or cost,
> She has won back the empire her grandfather lost.
> Her white hand was peace when our trouble was sore:
> By that sign she is queen of our hearts evermore.
> The ligeance of love sea nor sword shall dissever—
> God's blessing be on her forever and ever!"

Thus we sang, thrilled with her high thought and honorable words to us in our time of storm and stress. We resent upon that white hand, that mother's hand, that friendly hand, the stain of innocent blood, besmeared thereon by lawlessness in the masquerade of law. Out, damned spot! All the perfumes of Arabia will not sweeten that little hand. It will, rather, the multitudinous seas incarnadine that roll between. The ligeance of love sea nor sword shall dissever, but no ties can resist the dissolving force of wrong perpetrated and perpetuated. "The Queen can do no wrong" is the fiction of monarchy. The conviction of republicanism is: The Queen is Queen, our Queen, only so far as she does right.

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Thus my book. It is not *called* The Modern Iphigenia. It borrows no romance from the past. It bears the dry legal title of "The Maybrick Case." It is by that most unhomeric of heroes, a London lawyer, whose canny Scotch name is Alexander MacDougall. But, for all its legal reasoning and repetition, it is vital with unquenchable fire; that eternal revolt of the human heart against tyranny crushing helplessness which has lent passion to poetry, and stimulus to passion, and purpose to life through all the ages of history, but which in our day and our race flames up against a tragedy which is an anachronism.

GAIL HAMILTON.

MISS REPPLIER:

EVER since the first printers with misguided zeal dipped an innocent world in ink, those books have been truly popular which reflected faithfully and enthusiastically the foibles and delusions of the hour. This is what is called "keeping abreast with the spirit of the times," and we have only to look around us at present to see the principle at work. With an arid and dreary realism chilling us to the heart, and sad-voiced novelists entreating us at every turn to try to cultivate religious doubts, fiction has ceased to be a medium of delight. Even nihilism, which is the only form of relief that true earnestness permits, is capable of being overstrained, and some narrowly conservative people are beginning to ask themselves already whether this new development of "murder as a fine art" has not been sufficiently encouraged. Out of the midst of the gloom, out of the confusion and depression of conflicting forms of seriousness, rises from London a voice, clear, languid, musical, shaken with laughter, and speaking in strange sweet tones of art and beauty, and of that finer criticism which is one with art and beauty, and claims them forever as its own. The voice comes from Mr. Oscar Wilde, and few there are who listen to him, partly because his philosophy is alien to our prevalent modes of thought, and partly because of the perverse and paradoxical fashion in which he delights to give it utterance. People are more impressed by the way a thing is said than by the thing itself. A grave arrogance of demeanor, a solemn and self-assertive method of reiterating an opinion until it grows weighty with words, are weapons more convincing than any subtlety of

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argument. "As I have before expressed to the still reverberating discontent of two continents," this is the mode in which the public loves to have a statement offered to its ears, that it may gape, and wonder, and acquiesce.

Now, nothing can be further from such admirable solidity than Mr. Wilde's flashing sword-play, than the glee with which he makes out a case against himself, and then proceeds valiantly into battle. There are but four essays in his recent volume, rather vaguely called "Intentions," and of these four only two have real and permanent value. "The Truth of Masks" is a somewhat trivial paper, inserted apparently to help fill up the book, and "Pen, Pencil, and Poison" is visibly lacking in sincerity. The author plays with his subject very much as his subject, "kind, light-hearted Wainewright,' played with crime, and in both cases there is a subtle and discordant element of vulgarity. It is not given to our eminently respectable age to reproduce that sumptuous and horror-laden atmosphere which lends an artistic glamor to the poisonous court of the Medicis. This "study in green" contains, however, some brilliant passages, and at least one sentence—"The domestic virtues are not the true basis of art, though they may serve as an excellent advertisement for second-rate artists"—that must make Mr. George Moore pale with envy when he reflects that he missed saying it, where it belongs, in his clever, truthful, ill-natured paper on "Mummer-Worship."

The significance and the charm of Mr. Wilde's book are centred in its opening chapter, "The Decay of Lying," reprinted from *The Nineteenth Century*, and in the long two-part essay entitled "The Critic as Artist," which embodies some of his most thoughtful, serious, and scholarly work. My own ineffable content rests with "The Decay of Lying," because under its transparent mask of cynicism, its wit, its satire, its languid mocking humor, lies clearly outlined a great truth that is slipping fast away from us,—the absolute independence of art—art nourished by imagination and revealing beauty. This is the hand that gilds the grayness of the world; this is the voice that sings in flute tones through the silence of the ages. To degrade this shining vision into a handmaid of nature, to maintain that she should give us photographic pictures of an unlovely life, is a heresy that arouses in Mr. Wilde an amused scorn which takes the place of anger. "Art," he says, "never expresses anything but itself.

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It has an independent life, just as Thought has, and develops purely on its own lines. It is not necessarily realistic in an age of realism, nor spiritual in an age of faith. So far from being the creation of its time, it is usually in direct opposition to it, and the only history that it preserves for us is the history of its own progress." That we should understand this, it is necessary to understand also the "beautiful untrue things" which exist only in the world of fancy; the things that are lies, and yet that help us to endure the truth. Mr. Wilde repudiates distinctly and almost energetically all lying with an object, all sordid trifling with a graceful gift. The lies of newspapers yield him no pleasure; the lies of politicians are ostentatiously unconvincing; the lies of lawyers are "briefed by the prosaic." He reviews the world of fiction with a swift and caustic touch; he lingers among the poets; he muses rapturously over those choice historic masterpieces, from Herodotus to Carlyle, where "facts are either kept in their proper subordinate position, or else entirely excluded on the general ground of dulness." He laments with charming frankness the serious virtues of his age. "Many a young man," he says, "starts in life with a natural gift for exaggeration which, if nurtured in congenial and sympathetic surroundings, or by the imitation of the best models, might grow into something really great and wonderful. But, as a rule, he comes to nothing. He either falls into careless habits of accuracy, or takes to frequenting the society of the aged and the well-informed. Both things are equally fatal to his imagination, and in a short time he develops a morbid and unhealthy faculty of truth-telling, begins to verify all statements made in his presence, has no hesitation in contradicting people who are much younger than himself, and often ends by writing novels that are so like life that no one can possibly believe in their probability." Surely this paragraph has but one peer in the world of letters, and that is the immortal sentence wherein De Quincey traces the murderer's gradual downfall to incivility and procrastination.

"The Critic as Artist" affords Mr. Wilde less scope for his humor and more for his erudition, which, perhaps, is somewhat lavishly displayed. Here he pleads for the creative powers of criticism, for its fine restraints, its imposed self-culture, and he couches his plea in words as rich as music. Now and then, it is true, he seems driven by the whips of our modern Furies to the

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verge of things which are not his to handle—problems, social and spiritual, to which he holds no key. When this occurs, we can only wait with drooping heads and what patience we can muster until he is pleased to return to his theme; or until he remembers, laughing, how fatal is the habit of imparting opinions, and what a terrible ordeal it is to sit at table with the man who has spent his life in educating others rather than himself. "For the development of the race depends on the development of the individual, and where self-culture has ceased to be the ideal, the intellectual standard is instantly lowered, and often ultimately lost." I like to fancy the ghost of the late rector of Lincoln, of him who said that an appreciation of Milton was the reward of consummate scholarship, listening in the Elysian Fields, and nodding his assent to this much-neglected view of a much-disputed question. Everybody is now so busy teaching that nobody has any time to learn. We are growing rich in lectures, but poor in scholars, and the triumph of mediocrity is at hand. Mr. Wilde can hardly hope to become popular by proposing real study to people burning to impart their ignorance; but the criticism that develops in the mind a more subtle quality of apprehension and discernment is the criticism that creates the intellectual atmosphere of the age.

AGNES REPPLIER.

MRS. BARR:

THERE was once a pope who desired to destroy all the books in the world except 6,000, which number he averred would contain all of human wisdom worth preserving. This computation would give about an average of one good book every year. Is there any one living whose taste and acquirements are so catholic, so judicial, and yet so sympathetic, that he might be safely intrusted with the selection of the book of the year? The answer must be a universal "No."

For over half a century my intercourse with books has been constant, but during 1891 we have been on a holiday together. During this year I have begun to read newspapers, and to defend my lapse of mental dignity by saying that but for newspapers many things could only be known at a cost too great to pay. I have also required six magazines every month, and have felt it to

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be necessary to supplement these by reviews that supplied history, social science, literature, and philosophy put up in portable forms. For at sixty years of age it strikes one forcibly that life is shorter than ever in proportion to what has to be crowded into it, and that our minds are not more capacious. I have even come to a good opinion of the funny newspapers. I believe they are one of the best popular antidotes for the dead-alive, serious sensuality of bad novels. A hearty laugh blows into thin air romantic animalism, and all that mock sensuality which depicts men and women who call their vices by the names of passions.

Yet, amid much desultory reading, there is in every student's mind an inner circle, to which none but really good books are admitted, and the most charming of these intimates of 1891 has been the Rev. Adam Sedgwick's "Life and Letters." I invited the book because in my girlhood the great geologist was such a familiar figure about the mountains and towns of the English lake district. And through it we have had delightful conversations about people and times that will never return—grand old "statesmen" riding along the mountain roads, with their wives on the gorgeous family pillion, and their pretty daughters, in long flowing scarlet cloaks and silken hoods, stepping briskly at their side; of the old ways and celebrities of Cambridge; of the burial of Porson; of the ringing of a dumb peal at St. Mary's for Trafalgar; of the mail coach coming into Lowestoft streaming with ribbons, and carrying a sailor on the top waving the Union Jack, while the guard threw down to the cheering crowds the *Gazette Extraordinary* of the battle of Salamanca. And what stirring descriptions of the geological "meets" when sixty or seventy undergraduates met before the Senate House, and then all off together for a grand "field day" among the fens or up to the northern mountains! In those days the Cambridge liverymen charged extra for horses used for "jollygizing," and no wonder! Through this book I could feel the enthusiasm with which men listened to the first words of the new science of geology, and to those wonderful lectures on "The Great Irish Elk," and on the "Dragons of the Prime," while Sedgwick's eloquence

> "rolled like a deluge retiring,
> Which mastodon carcasses floated."

I am not sure if this delightful biography has been reprinted in America; if not, some publisher will doubtless soon find it out.

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Another book of 1891, but of a decidedly different character, has made a very marked impression upon my mind. Its name is unattractive, and, until the book is once read through, seems to have no special significance. Its binding is rigidly plain and there is nothing whatever to point to its author. "God in His World"—this is the title, and one is apt to think the writer must be a clergyman, until startled continually by such sentences as the following: "There is no need of an atonement to reconcile God unto man. . . . [Christ] is the Lamb of God, not the scapegoat" (p. 138); or, "Justice is not a divine attribute. It has in it no divine quality, no vital meaning, either as applied to Nature or to the kingdom of heaven" (p. 140); or, "Even though the church should die, the kingdom will live. . . . The Father worketh in all humanity and not in a chosen part. What if he raise up children unto his kingdom from among the children of this world, seeing that they are in their generation wiser than the children of light, in that they more readily throw aside tradition and show a quicker and more vigorous life? What if he seek his own among them that are repelled by the dead forms and artificial solemnities which he himself abhorreth?" (p. 255.)

There is a sequence in writers as in everything else, and this book is a carrying-forward of that spirit of natural religiosity which evoked its remarkable predecessor by Professor Drummond. And that I am not able to define the serious and peculiar charm of "God in His World" takes nothing from it. A person may not be able technically to distinguish between good wine and bad wine, but when it is set before him he will drink more of the good than of the bad, having an inarticulate consciousness of the difference. So in a book we may not be able to explain the very excellence which has yet most impressed us.

In fiction I have read many short stories, and very good most of them appeared to me. Our fathers followed the stars of their gods, Scott, Dickens, Thackeray, etc.; and we have our own idols. Tolstoï has been one of mine, but this year—and last year too—he has disappointed me. I make him welcome still; but I no longer salaam to him. He is too many Tolstoïs. I had just begun to admire his dry realism, when I found out he was not a realist, but a mystic. The gloomy horror of the "Kreutzer Sonata" debased him from the altitude of mysticism; and in his last work, "The Fruits of Enlightenment," he pays a visit full of

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sardonic mirth, in which spiritualism and microbes are leading motives. It is clever, but not what I expected from Tolstoï; and his excessive versatility makes one unavoidably remember the elderly naval man that "was a cook, and a captain bold, and the mate of the Nancy brig, and a bo'sun tight, and a midshipmite."

During 1891 no one has sung a song for me; perhaps that is because I have grown too old, and the singing birds have no message to bring. For now I like the old songs best, and I have a fancy that, though the gods never permit poets to be mediocre, modern publishers do. I feel kindly, however, to every book I place upon my shelves. I get out of my library that confused, soothing influence a man gets out of his pipe. The books shine with kindliness and mild gravity; they diffuse an atmosphere of stillness and gentle warmth; and I love to sit quietly among them, just speculating as to whether the spirits of books disembodied ever clothe themselves again in paper and calf and morocco, or retain any traceable connection with their former selves. And any thinker can tell how delightful such questions and speculations may be, without individualizing a single volume.

AMELIA E. BARR.

PROF. BRIGGS:

THE year 1891 has been fruitful in great theological writings. Oxford has produced no less than three of these, by Canon Driver, Principal Gore, and Canon Cheyne. Canon Driver gives a masterly exposition of the present state of opinion as to the criticism of the entire literature of the Old Testament. Principal Gore gives an able and brilliant statement of one of the most important topics of Christology. But the Bampton lectures of Canon Cheyne on the "Origin and Religious Contents of the Psalter, in the Light of Old Testament Criticism and the History of Religion,"* constitute, in our estimation, the most important theological work of the year. These lectures were delivered in 1889, but first appeared in print in the summer of 1891. The author is somewhat cramped by the form of the lecture; but he has managed by numerous notes and appendices to give the freshest, richest, and most fruitful piece of criticism that has appeared for many a year; showing an amount of original research and a

* Kegan Paul, Trench, Trübner & Co.

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wealth of knowledge that can hardly be surpassed by any biblical scholar now living.

Canon Cheyne, in his introduction, gives a sketch of the development of his own critical experience. He tells us, in a frank, modest, naïve, and charming manner, his progress through those periods of criticism which have been under the spell of Ewald and Kuenen; and of his loneliness in Great Britain until W. Robertson Smith and Samuel R. Driver came to his support. Now the mass of biblical scholars of Great Britain are with him in spirit and methods, if not agreeing with him in all his results. Cheyne has throughout his career kept in touch with the religious life of the Church of England and also with the evangelical piety of the school of Delitzsch; so that his growth has been steady and comprehensive. This is doubtless due in great measure to his earliest teacher, to whom he attributes "the example of a mild and yet fervent Johannine religion and a Pauline love of the Scriptures." Any one who knows Cheyne will recognize that these qualities are essential constituents of his character. Notwithstanding all that he has learned from Continental scholars, he has ever been an independent, painstaking student, never accepting anything without submitting it to fresh, independent investigation; brave and frank, and yet shy and cautious; true to the instincts of an Anglican scholar. He, more than any one else, has been the pioneer of Old Testament criticism in England. He is entitled to speak in its interests, for he has passed through its various phases. Even when we may differ with him, his words are those of a master who must be respected.

The Psalter is in some respects the most interesting book in the Old Testament. It is used in the devotions, public and private, of synagogue and church throughout the world. No book awakens a more general interest. The critical movement of modern times has for the most part left it aside, doubtless on account of the extreme difficulty of the problems, as any one must recognize who has given any attention to the subject. It has long been evident that the Psalter was the key to the Old Testament. Bibical criticism will never attain its end with regard to Pentateuch or prophets until the Psalter has given its witness and the whole Old Testament speaks in unison the last word. Cheyne deserves great credit for undertaking this difficult problem and for opening it so bravely and so well.

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The traditional opinion for centuries was that David was the author of the Psalter, as Solomon was the author of the Wisdom literature, and Moses was the author of the Pentateuch. Criticism has resolved all these into groups of writings of different authors and different periods of composition. After the traditional theory was abandoned, there was a rally about the five books into which the Psalter has been divided from the most ancient times, and the titles of the psalms were supposed to give a number of authors, such as David, Asaph, Solomon, Moses, and the sons of Korah, and to leave a number of psalms orphaned, without designation of author. But this theory soon proved untenable. The groups assigned to Asaph and the sons of Korah have certain features that justify their grouping under these names; but the internal evidence of these psalms showed that they belonged to different periods, and could not have been written by Asaph and the Korahites of the Davidic period. The psalms assigned to David also represented widely different periods of composition. Do these ascriptions represent conjectures of later editors as to authorship, or do they simply mean that these psalms were taken from earlier collections that bore the names of David, of Asaph, and of the Korahites?

Cheyne holds that the five books represent, in the main, successive layers of the Psalter; only he very properly states that the division between books 4 and 5 was an afterthought; and he really does away with the distinction between books 2 and 3, and divides the whole Psalter into three sections representing, in the main, the Persian, Greek, and Maccabean periods. Cheyne also represents that the ascription to David meant nothing more, originally, than a group of psalms gathered under the name of the poet-king; but that afterwards not a few psalms were ascribed to David by mistaken conjectures of later editors. It seems to us that Cheyne halts in his criticism at these points. Doubtless there are mistaken conjectures as to authorship in the titles of the psalms; but, on the whole, the titles seem to represent three earlier minor psalters, which were named after David, Asaph, and the Korahites, a greater Psalter made up chiefly of selections from these, called the Director's Psalter, besides a number of groups such as the Hallels and the Pilgrim psalms. We cannot see anything more in the five books than a liturgical division to correspond with the Pentateuch. When the divisions are very properly

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reduced to three, they do not then represent different layers of the Psalter, but divisions made by the Maccabean editor prior to the division into five books.

The critical study of the Psalter has resulted in the constant pushing of the psalms into later periods in the history of Israel. Cheyne goes farther in this direction than any previous writer. Most scholars now recognize that there are Maccabean psalms as well as Davidic psalms, and that the Psalter represents the psalmody of Israel in all that intervening period. But the number of Davidic psalms, and, indeed, preëxilic psalms, has been steadily diminishing in the closer study of the Psalter. Even the more conservative critics feel themselves forced to give up the antiquity of one psalm after another. Cheyne seems to take an extreme position when he represents that we have no preëxilic psalm save a portion of the eighteenth, and that we must also give up exilic psalms, and when he distributes the psalms over the Persian, Greek, and Maccabean periods.

We have no space to follow him into the details of his argument. He tries to give the psalms their historic setting in those times and circumstanees which seem to be the most appropriate for the purpose. All the resources of history, comparative biblical theology, and the religions of Babylon and Persia, are used to cast light upon the composition of the psalms and the gradual evolution of the Psalter. The argument from language is not neglected, but it is not employed with much effect. It will doubtless appear to some that Cheyne does not sufficiently estimate the editorial changes that have been made to adapt earlier psalms to the later use of the synagogue; and that the imagination is too freely employed to color the psalms with the hues of the history of the times in which he places them; and that, in a measure, the same mistake is repeated that was made by the older scholars, who strove to find the historical occasions of the psalms in the life and experience of David. And yet the careful reader will be convinced that in a large number of cases Cheyne has put psalms in their most appropriate historic circumstances, and that he has given them a new and richer meaning.

There is doubtless a sad loss and a strain upon the faith of those who have been accustomed to look upon the Psalter as David's psalm-book, or as the expression of the experience of worshippers in the temple of Solomon. But criticism

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has made it evident that David composed but few of the psalms, to say the least; and that the Psalter was not a temple hymn-book, but a hymn-and prayer-book for the synagogue wherever the different psalms themselves may have been composed. It matters little, therefore, where you place these psalms in the historic development of Israel. Wherever they seem most appropriate to the evolution of life and thought of the Jewish people, there they will take on the richest coloring and the fullest meaning. If, as Cheyne supposes, the Psalter represents the religious experience of Israel after the restoration in the Persian, Greek, and Maccabean periods, then the chasm that used to be regarded as separating the Old Testament from the New Testament is filled up; and an unbroken continuity of divine revelation in sacred writings takes its place. This is more in accord with what one might expect from the living and true God. He would not abandon his people for centuries after restoring them to their own land. He would continue to guide them and teach them. This would be a gain that would far outweigh the loss in the supposed greater antiquity of the Psalter.

One of the most interesting and valuable parts of Canon Cheyne's work is his study of the Persian religion and the influence that it had upon the psalms and other postexilic writings. The student of biblical history and of biblical theology, in our day, must take into consideration the ethnic environment of the biblical writers. He must recognize that the holy people as the kingdom of priests, called to mediate redemption for the nations of the world, not only had something precious to give, but also some gifts to receive in return, and that there were action and reaction in the relation of Israel to the nations in all that long period in which Israel seemed to be the foot-ball tossed to and fro between them.

C. A. BRIGGS.

JULIEN GORDON:

WHEN invited to express an opinion on the book of the year, one is met at the outset with peculiar difficulty. One asks one's self, in this age of many writers and numberless readers, if it is a public verdict one is to voice or an individual predilection. Of a book people make such different—nay, divergent—uses. The moralist seeks a sermon, and demands that he shall be taught a

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lesson. The doubter craves a new *Credo*; the scientist, a fresh problem solved, or at least suggested; the æsthete, a work of art that shall please his fancy and warm his imagination; while the frivolous desires only to be entertained for a half-hour. In this clash of sentiments and wants, it is assuredly no light task to select a work that can meet or has met the general requirements.

A treatise which touches upon topics of immediate moment were perhaps the fittest to dub "the book of the year." It alone can be considered important and authoritative. I think in Mr. Herbert Spencer's "Justice," Part Fourth of his "Principles of Ethics," we have such an *exposé*.

Since the death of John Stuart Mill, that pioneer of the cause of woman, England has produced no such leading thinker as Herbert Spencer. There is not to-day in France, in Germany, or in America, any writer upon sociology who can even be compared with him. A new book by this great philosopher may therefore be viewed with the interest which is evoked in a politically disturbed country by a manifesto emanating from its sovereign or its prime minister. It cannot be denied that in "Justice" Mr. Spencer considers questions of burning and urgent import. He has something to say, in his opening chapter, of "animal ethics," of ethics considered not merely as calling forth sentiments of approbation or reprobation, but of ethics considered objectively, as producing good and bad results to "self or others or both." He tells us that a bird who feeds his mate while she is sitting is regarded with approval; while for a hen who declines to look after her eggs there is aversion. The egoism of animals is deplored, and their altruistic acts are admired. This may give food for thought to those advanced naturalists who insist upon the higher intelligence of what we are now pleased to call "the dumb creatures," and who believe we shall soon learn to exchange ideas with our dogs and horses by means of learning to understand their now incomprehensible volapük. When this is done, we shall study them with even greater interest than those queer animals men and women study each other in modern drawing-rooms.

He tells us, in his chapter upon the "Idea of Justice," that this idea is developed from the recognition of inequality. If, therefore, there were no inequality, justice would be a mere word, a term, no more. He glances at the "right of physical integrity," the value and protection of the person, the sanctity of

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human life. He carries us from the days when the rude Wends and Herulians killed their aged and sick parents, to the present time, when the growth of civilization has awarded to the citizen a claim against his fellow citizen for bodily danger, not only willingly inflicted, but for bodily danger caused by careless actions or inactions.

He has some pregnant words to say upon the "Rights of Property," and of incorporeal property, wherein the demands of authors and artists for proper remuneration for mental labor are broached.

The "Rights of Free Belief and Worship" are dwelt upon. He would here accord absolute liberty, except where the beliefs entertained and practised would diminish the powers of defence against hostile societies, or imperil subordination to the government, thus paralyzing its executive powers. He prophesies that complete freedom of belief will exist only when industrial life has become preëminent, and has displaced the military régime.

In a cursory review of this admirable book there is one topic which peculiarly meets the anxiety of the hour, and of which I would speak at somewhat greater length. Mr. Spencer gives us a brief sketch of the gradual progress and emancipation of woman since Fulc the Black amused himself burning his wife—unmolested, and, in fact, all German rulers bought their wives, and might sell or slay them at their good pleasure In those happy days English brides were purchased and haggled over, their own desires counting for nothing in the bargaining.

He points out—with some felicity in sustaining his own opinions expressed later—that it was only in those tribes where women shared in the dangers of war that they gained some degree of liberty. In other words, brute force was the law of gained freedom. Mr. Spencer realizes the infinitely delicate handling needed to compare in detail the capacities of men and of women. He accepts the unquestionable fact that, whatever the fiat of averages may be, there are some women physically and mentally stronger than some men, healthier, more vigorous, endowed with a larger and richer intelligence. Generosity aside, he avers that justice demands that women, if they are not artificially advantaged, shall not, at any rate, be artificially disadvantaged. Hence, if men and women are to be regarded as independent beings, each one of whom is to do the best he or she can for himself or herself,

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no restraint should be placed upon women in regard to whatever career or profession they choose to adopt.

So far so good; but—in the last page—Mr. Spencer goes on to point out what he seems to consider the emphatic disability of women. He asks us if the political rights of women are the same as those of men,—realizing that the assumption is now widely made,—and if their only duty of citizenship is to consist in the casting of a vote. How shall one portion of a community, he argues, assume the rights of government without incurring any of its risks? Men have to man war vessels, to shoulder the musket in times when the public peace is threatened. Are women not only ready to do so—are they able? He concludes with the statement that, if they are not, it is useless to prate of their political rights, unless, indeed, we lived in a state of permanent peace. Here then in a nut-shell lies the gist of the whole matter, the opinion of the greatest of living philosophers. Women are unqualified for governing because they are unqualified for fighting.

It may here be said that it seems, indeed, a pity that women should be so unqualified. Women are by nature quicker to resent injury than men, more fiery, more easily roused to indignation at the sight of wrong, more combative. The last word is proverbially the feminine one. Then, they are more dramatic than men, and therefore more prone to be thrilled and stirred by the heroic. They are courageous, and they are cheerful under physical pain. No one will deny that in their narrow sphere—and why not, then, in a wider one?—they are diplomatists, strategists, and tacticians; eminently, therefore, fitted for the subtleties of the art of war. One cannot doubt that morally they would make excellent soldiers As to endurance! only watch the evolutions of the maiden *à la mode*, at one of our great watering-places; the veriest unbeliever would be persuaded, nay, converted. She will be up with the lark, swim all the morning, attend a "girls' luncheon" at noon, be in the saddle all the afternoon, dine at eight, and dance till three, and this for a period of six months of summer heat; and she will not look much the worse for the régime!

Octave Feuillet, in one of his recent novels, paints with his poignant and piquant satire the fatigue of the enervated and dyspeptic man of the world who tries to emulate and follow a Parisian great lady in her exhausting and exhaustless round of

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pleasure ; pleasure which necessitates unflagging physical prowess, as well as the alertness of a keen and wide-awake *esprit*.

But here come the doctors and the men of science to dispel and refute all the illusions of superficial observers. The late Dr. Clark, of Boston, contends that for physiological reasons, associated with woman's function of maternity, she is unfit for that military service which, in the last resort, is the supreme duty of every citizen.

The other day a distinguished German anatomist declared that, from a careful study of the conformation of a woman's knee, he has arrived at the conclusion that it is not constructed for the maintenance of an upright posture, or of movement under heavy weights for any protracted period. Women, therefore, are barred out, in his opinion, from those forced and fatiguing marches which form an essential feature of every campaign.

It is a curious fact that Mr. Spencer was formerly an advocate of female emancipation. He now declares himself against it. The Liberals were, until lately, the hope and trust of the female suffragists. They, indeed, were once on the verge of passing a resolution on the question through the House of Commons. Recently, however, they appear to have grown tired of the women, and the Conservatives have taken them up. These have passed a resolution at Birmingham in favor of female suffrage. When Mrs. Fawcett—the widow of the blind Postmaster-General, and mother of the Miss Fawcett who beat the senior wrangler in mathematics at Cambridge—addressed the convocation, she said that the Gladstonians feared that the women would reënforce the party of order and the upholders of the indissoluble union between Great Britain and Ireland.

It is odd that Spencer should desert the female emancipators just as the "Primrose dames" have rendered such solid service to the Tory leaders as to convince a large portion of them that the ballot ought to be granted to them.

That women cannot go to war seems a poor and idle plea for refusing them a voice in public affairs. Men who have passed the age of military duty are permitted to vote, and since the days of Homer particular respect has been given to their decisions. It is only in countries where the conscription prevails that weight would be attached to women's inability for militant services. In England and the United States armies are formed by voluntary

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recruitment. In the last century the recruiting system was almost universal. All countries would probably revert to it if women voted. Who shall say that the reversion would not be a good thing for civilization?

JULIEN GORDON.

DR. HAMMOND:

I AM not quite sure that the book I am about to mention as the best published during the year is strictly inside the limits laid down by the editor of THE REVIEW within which a choice is to be made, but with free scope embracing the entire literature of the world during the year 1891, and excluding technical works, there is no doubt in my mind that the "Century Dictionary" stands preëminent. If it were an ordinary dictionary, or even merely the best of the class hitherto published, it would certainly not be entitled to this exalted position; but it is such a great advance upon everything of the kind yet given to the world, and so different from all else in its extent and detail, and embraces so much of science, literature, art, philosophy, and, in fact, every kind of knowledge, that its influence upon mankind must necessarily be of the most direct and powerful character. If it were a mere compilation, however excellent it might be, this praise would not be justified; but it is full of originality from beginning to end, and is so comprehensive and far-reaching that one cannot turn over its pages without being almost appalled at the magnitude of the work, and astonished at the thoroughness and exactness with which it has been accomplished.

Of course any well-educated and intelligent person with a competent corps of assistants can make an encyclopædia or dictionary. There are a great many remarkable examples of the truth of this assertion; none more to the point than the wonderful "Grand Dictionnaire Universel du XIX^{ème} Siécle" of Pierre Larousse, certainly the greatest work of the kind which the mind of man has ever conceived or executed. But this is not only a dictionary; it is an encyclopædia of history, geography, literature, science, art, and, in truth, every branch of human knowledge. It is a library in itself. Its cost, however, to say nothing of its bulk, is so extreme as to place it entirely beyond the reach of the majority of those who might need to consult its pages.

But the "Century Dictionary" is essentially a dictionary, and

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not an encyclopædia, although it has several encyclopædic features. Its first object is to treat of words, and the fact that 7,000 pages are required for this purpose is due, not so much to the extent of the information in regard to persons, places, and things, as it is to the number of words and the amplitude of its definitions, its etymologies, and the citations of authorities illustrative of usage and meaning. In the matter of derivatives and compound words, no dictionary that I have ever seen can make any pretence to approaching it. Take, for instance, the word "powder." I have found under this head reference to every kind of substance to which the word powder is ordinarily applied, even to those which are used in medicine. I have discovered only one notable omission, and that is "succession powder," the substance used during the latter part of the middle ages, especially in Italy, by expectant heirs to get rid of those who stood in the way of their inheritance. But then I do not find "succession powder" in any other dictionary, which is somewhat strange, for various other powders of analagous classes, such as the "powder of sympathy," for instance, are given by these others, and with great fulness by the "Century."

With the extension of education into all classes of life, words which a few years ago were regarded as being peculiar to science have now become commonplace, and a dictionary with pretensions to general usefulness must bring them within its scope.

In dictionaries hitherto published there seems to have been no rule governing the principle of acceptance, but merely a notion based upon the idea that this or that word was not of sufficient importance as an integral part of the language to warrant its being incorporated with others in regard to which no doubt existed. Thus, all dictionaries gave the word "opium," but none except those pertaiming to medicine or botany contained "apiol," which word is fully defined in the "Century." "Stramonium," a word indicating a substance certainly of no greater importance than "physostigma," has been recognized for several years by all the prominent dictionaries; but this last-named receives no notice, while the "Century" devotes several lines to its consideration, giving its pronounciation and etymology, a description of the botanical characteristics of the genus of plants to which it refers, and an account sufficiently full for the general reader of the medical properties of the only species of the *physostigma venenosum*.

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With all living languages there is danger that expressive words, better for some purposes than others of like meaning, and always useful in our efforts to avoid that mean fault, tautology, will die merely because there is not a sufficient number of writers to perceive their value and to employ them. It is as a preserver of such words that the "Century Dictionary" stands preëminent among all works of its kind. The reader of Chaucer, of Spencer, of Shakespeare, and of other writers to whom the English tongue owes so much of directness and force, requires a glossary in order to understand fully the meanings sought to be conveyed. Indeed, he needs one such help for Chaucer, another for Shakespeare, another for Piers Ploughman, another for the "Morte d'Arthure," and so on for a dozen or more others. A few examples will suffice to show that with the "Century Dictionary" the reader of early English literature requires no other aid for the elucidation of the text. Thus the word to *kemp* is not found in any of the dictionaries in common use, but the "Century" treats of it as follows:

Kemp (kemp), *v. i.* [A var. of *camp* (after *kemp, n.*): see *camp, v.*] To strive or contend in any way; strive for victory, as in the quantity of work done by reapers in the harvest-field. [Scotch and old Eng.]

> There es no Kynge undire Criste may *kempe* with hym one!
> He wille be Alexander ayre, that alle the erthe lowttede.
> Morte Arthure [E. E. T. S.] I. 2634.

"Gurl" and its adjective, "gurly," are not given in either Webster or Worcester, but the "Century" cites them as follows:

Gurl (gerl), *v. i.* [ME. *gurlen;* a transposed form of *growl*, D. *grollen*, etc.: see *growl.*] To growl; grumble. [Prov. Eng.]

> As a mete in a man that is not defied bifore, makith man bodi to *gurle* [var. *groule*].
> Wyclif, Select Works (ed. Arnold), II. 249.

Gurly (ger'li), *a.* [Also *gurlie;* a transposed form of *growly:* see *gurl.*] Fierce; stormy.

> The clouds grew dark, and the wind grew loud,
> And the levin fill'd her ee;
> And waesome wail'd the snaw-white sprites
> Upon the *gurlie* sea.
> The Daemon Lover (Child's Ballads, I. 204).

> Iberius with a *gurly* nod,
> Cried Hogan! Yes, we ken your god.
> 'Tis herrings you adore.
> Allan Ramsay, The Vision. (Mackay.)

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In a book of old English nursery rhymes which was familiar to me in my childhood, and many of the poems of which I still call to mind, is the following:

"To market ride the gentlemen;
So do we, so do we.
Then comes the country clown
Hobbledy gee.
First go the ladies mim, mim, mim,
Next come the gentlemen, trim, trim, trim,
Then comes the country clown
Gallop a trot, trot, trot."

Now, I have never had the slightest idea of the meaning of "mim," and, on looking for the word in Webster, Worcester, Stormonth, and other dictionaries in my possession, have been unable to find it. Doubtless it occurs in some of the glossaries of old words, but I am quite sure that no considerable number of the readers of THE NORTH AMERICAN REVIEW have any clear notion of what William Black means when he says in "Far Lochaber": "Lightning-storms seem to come quite natural to you, for all as prim and *mim* as you are."

But, turning to the "Century," we find that *mim* is an adjective, "a minced form of *mum*, silent," and that it means "primly silent; prim; demure; precise; affectedly modest; quiet; mute"; and that it is also used adverbially; and then a quotation from Burns and the one from Black just cited are given as examples of the use and signification of the word.

In these times, when writers, either from a disposition to rescue good words from oblivion and to bring them again into use, or from affectation of knowledge easily acquired, are searching for quaint and little-known modes of expression, a dictionary that does not contain a full assortment of the words used at the present day, as well as of those that have fallen by the wayside, is deficient in one of the most essential qualities of a lexicon. The "Century" does this, and a great deal more. If I were writing a review, I should be tempted to consider at some length several of these excellences. But I am only telling what I consider the best book of the year, and I must close with a reference to one single additional point; and that is that the "Century" rectifies many errors which have been transmitted from dictionary to dictionary, and which have thus been productive of a great deal of harm. For instance, take the word "coca." Coca is

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defined by Worcester as "the dried leaf of the *Erythroxylon Coca,* a native plant of Peru; it is a very stimulating narcotic and more pernicious than opium." By Webster coca is said to be "a highly stimulating narcotic, the dried leaf of the *Erythroxylon Coca,* a plant found wild in Peru." By Stormonth coca is said to be "the dried leaf of a plant having highly narcotic quantities, used by the Peruvians."

Now, coca is not a narcotic and never has been so regarded. Turning to the "Century," we find it defined as "the dried leaf of the *Erythroxylon Coca,* natural order Linnaceæ, a small shrub of the mountains of Peru and Bolivia, but cultivated in other parts of South America." Then, after a few lines of description, it is said to be "a stimulant, bearing some resemblance in its effects to tea and coffee, and has long been used as a masticatory by the Indians of South America. It relieves feelings of fatigue and hunger, and the difficulty in breathing experienced in climbing high mountains. The habit of chewing coca is an enslaving one. . . . It yields the valuable alkaloid cocaine." And all this is correct.

The "Century" is excellent reading for one fond of learning, even in a mild form, while for the scholar, though it may contain little that is new, it will inevitably, by saving him trouble, take a place that a hundred other dictionaries, glossaries, and such like would be required to fill.

So far, therefore, as my limited information extends, and in accordance with the condition imposed by THE REVIEW of excluding strictly technical works, I regard the "Century Dictionary" as the "best book of the year."

WILLIAM A. HAMMOND, M. D.

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NOTES AND COMMENTS.

THE PRESENT AND FUTURE OF MEDICAL SCIENCE.

MEDICINE—I take the term to mean that science, or art, if you will, that essays to effect the cure of diseases by means of substances administered to human beings—may be said to have advanced in a sort of spiral manner. Starting at a point, it has circled about it, slowly increasing the diameter of its rings. It has from time to time gradually enlarged and improved its old methods of diagnosis and treatment; but it has added very few new and original discoveries of value.

Until quite recently our pharmacopœia contained scarcely any remedial agents that were not known in some form one hundred years ago. Indeed, many of them were familiar to the ancients. During the past decade we have seen medicine eclipsed by the advancement of all the other arts and sciences. Surgery has made its greatest strides. Electricity has taken its place as a practical science. Chemistry has given us wonderful discoveries. The fruits of the other arts and sciences have afforded a rich harvest. It seems, in fact, to have been a ripening time for these.

Medicine has not kept abreast of its correlated sciences. In point of fact, it is far in their rear. The reason for this, I think, is two-fold. Medical science rests upon a foundation built of stones taken from the other arts and sciences. The first advances in materia medica were the outcome of discoveries in organic chemistry. The chemist extracted the alkaloids, and the physician then recognized them as the active principles of the drugs from which they came.

The discoveries in synthetical chemistry marked another epoch in medicine. By grouping elements obtained from certain organic compounds, chemistry produced for us new substances having medicinal properties of great value. Experiment has proved some of these to have specific curative effects. Electricity has furnished us remedial agents, and has enlarged our means of diagnosis. Improvements in the art of manufacturing microscopic lenses have enabled us to see the germs of diseases, and have opened up to us the great field of bacteriological chemistry that now engrosses the attention of the medical world.

Through the agency of the microscope we are now beginning to understand the real cause of disease processes, and the chemico-vital forces evolved by nature to effect their destruction.

In short, the dependence of medicine upon the other arts and sciences has kept its development in their wake. But there is another reason for the tardy development of medicine—an even more powerful one than that just

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given. It is the great difficulty of proving that certain effects are due to certain causes; whether the result of the given medical procedure is *post hoc* or *propter hoc*. So many factors operate to produce effects that it is often impossible to determine the real causative one. In no other science is it so easy to mistake coincidence for cause.

The proverbial disagreement of doctors is due to this. Homœopathy, faith cure, and other medical crazes are fathered by it. The anti-vaccinists, the anti-contagionists, find their arguments in mistaken premises. It is on account of this that medicine is, and probably always will be, an inexact science, and that theory has been productive of so little.

The few specifics (by specific I mean a medicine that has a certain curative effect upon a particular disease) have all been the outcome of experience from chance observation, and not of theoretical work. No science, however, is so rich in theories. It is significant that these in the main have been advanced to account for empirical facts. Innumerable have been the theories endeavoring to account for the action of cinchona, a drug for the existence of which we are indebted to the instinct of the Peruvian Indians. The theories attempting to account for the action of every medical agent and for the contagion of every disease are legion.

The differences in the so-called "temperaments" of individuals must always tend to prevent the exact in medicine. The old adage "One man's food is another's poison" finds its origin here.

It seems probable that in the near future the hypodermic syringe will be the principal means of administering remedial agents. This little instrument has already done something towards reducing the inexactness of medicine to a minimum.

The most remarkable thing in medical science to-day is the fewness of specific remedies. The comparatively recent discoveries in physiology and in the causes of diseases have not brought forth medicines that will act as sure cures. We are almost as powerless to cure the more severe types of diseases to-day as we were ten or twenty years ago. Our immense credulity is a witness to this, however strongly some of us may deny it. We are ready to accept the wildest assertions as proved facts. We have believed that condurango would cure cancer; that an elixir of life had been discovered; and now we think the specific for tuberculosis is in our hands, and this opinion is based almost on the assertion of one man. * The great wish that these things should be true is the father of the thought that they are, and it makes us deceive our very selves.

I know of no more trying position than that of the physician who, having in vain exhausted all the means known to him to save his patient's life, is compelled to watch him die without being able to do anything to avert the end. Is it to be wondered at that in our helplessness we grasp at straws? I would not be taken in these statements as belittling medical science and conveying the impression that the physician is useless. Far from it. We hold in our hands much that the test of time and experience has shown to be of great value in ameliorating diseased conditions.

The future of medicine, and especially of preventive medicine, seems very bright. It seems probable that the so-called "preventable diseases"—that is, the contagious and infectious maladies—will in time be actually avoidable.

* Written January, 1891.

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The "preventive viruses" originated by Jenner in the discovery of vaccination, and added to by Pasteur in the discovery of anti-rabic and anti-charbon* virus, will play a most important part. The causes producing and the conditions favoring these diseases are well known. It seems probable that the bacilli causing them produce in some way poisons that are destructive to themselves, and that we shall sooner or later be in possession of means whereby we can isolate and utilize these principles, not only as preventive, but also as remedial, agents.

It is not likely, however, that our old methods will be superseded, or that any of them will be abandoned. It is not improbable that all the acute diseases, and many of the chronic, will be found to be caused by germs. I do not think we need fear that new maladies will appear to take the place of those that we may in the future be able to control, and so keep the results of beneficent discoveries from effecting good.

Recent researches have shown that nature effects the destruction of germs in several ways. The phagocytes, whose function was comparatively recently discovered by Metchnikoff, are probably the most powerful of these. The phagocytes are found in the blood. They are whitish spherical bodies, considerably larger than blood-corpuscles. They are found in great abundance in and about the seats of inflammation, and were here first observed by Metchnikoff to absorb and destroy the bacteria causing the disease processes. The experiment made by him to prove his observation is most interesting and ingenious.

It is not unreasonable to predict that we will learn how to favor the production of these organisms, and in this way assist nature in her fight against disease more directly and to the purpose than at present. The soluble ferments are thought by competent observers to be inimical to the bacilli of diseases. We may possibly be able to apply the means whereby these may be produced in infected systems. We can only conjecture, at the best, what the harvest of the discoveries in the field of bacteriology will be. Let us, at any rate, hope that our dreams of its richness will be realized.

We must not let our hopes deceive us into expecting too much, for it has been said, "Thus far shalt thou go and no farther"; and it would seem as though obstacles had been placed in the way of medical science which all the force of man is powerless to remove. The most difficult thing on earth for a man to understand is himself. The wonderful machine of brain and muscle, and the strange chemico-vital forces that supply energy to it, must, it seems to me, in the very nature of things, always remain to man more of a mystery than anything else material that he may have to do with.

After all has been said, it must be admitted that a proper observance of the rules of personal and public hygiene on the part of every individual belonging to the civilized world would do more to effect a reduction of the death-rate, and prolong the average duration of life, than any discoveries in the cure of diseases that at present seem within the bounds of possibility.

CYRUS EDSON, M. D.

RESCUE WORK AMONG FALLEN WOMEN.

"RESCUE homes are premiums on iniquity; by assisting girls to conceal their shame, they encourage them to repeat their offences." "They are establishments for the maintenance of the idle." "It is impossible to reform fallen women."

* Malignant pustule.

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Such expressions are common. Have they any justification in fact?

It is true that depraved women who have no intention of reforming sometimes seek admission to the homes simply that they may be fed, clothed, and sheltered; yet there is always the possibility that they may be reached by a good influence. The managers are aware that some applicants endeavor to deceive them, and they are watchful.

A form in substance like the following must be signed by applicants for admission to many homes:

"Desirous of forsaking a life of sin, I apply for admission to the Ottawa Home for Friendless Women, agreeably to the following conditions:

"Not to leave the home without the matron or some other responsible person, until a situation or another home is obtained.

"To live quietly and peaceably with the inmates.

"To obey implicitly the orders of the matron."

In most cases the homes are partly self-supporting, and the idle have no place in them. Those in charge appreciate the necessity of occupation for mind and body.

The receipts of the New York Magdalen Benevolent Society from laundry and sewing-room for twelve months were $3,058.20. Reports from a large number of homes in the United States and Canada show that a good income is derived from the labor of the inmates. In some institutions instruction is given in millinery, dressmaking, fine sewing and embroidery, and different branches of domestic service. Many who seek refuge are physical wrecks, unfit for hard work, and some light occupation must be provided. The majority have little knowledge of the use of the needle when they are admitted.

At St. Michael's Home, Mamaroneck, and other country homes, gardening is a profitable recreation, the vegetables for home consumption being raised by the inmates.

A superintendent writes: "Anything and everything that will develop a hearty self-respect must be called for and used. The truest charity is simply tiding over a time of need and then expecting a return of the bounty conferred. In my own experience it has been a great gain to my girls to know that they would be expected to repay all moneys loaned them for imperative needs, to pay, at cost price, for clothing, medicine, etc."

Girls who long ago left that home return to repay a loan or to make a thank-offering.

The charge that fallen women will not reform has some show of reason in the fact that reformation is rare among those who have grown old in sin; but this is not true of the younger women.

The Toronto Prison-Gate Mission and Haven gives this testimony: "In the fourteen years of our existence we have had some very hopeful cases of reformation, particularly among the young mothers. With our maternity cases we have learned the sacred value of requiring the mother to nurse her infant, and so learn to love and care for it. Among the more hardened in sin we have not such an encouraging report to give, but we can mention a few cases of older women who have not returned to abandoned lives. Among the inebriates reform is very slow, requiring years of patient work and trial. The more experience we have among this class, the more necessity we find for a home where they can be kept and given work in an industrial department. They are not fit for domestic service, but young mothers often become valuable domestics."

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The majority of abandoned women are intemperate. A report says: "In all our experience we have not found one who was not a victim of intemperance."

Experience shows the vital importance of separating the younger offenders from the more hardened. The Wayside Home of Brooklyn says regarding this: "Let any place of detention, it matters not how well it may be conducted, take in both these classes, and if they have any contact whatever, the younger and more impressible will imbibe from the others, and such places become schools of vice."

Among older offenders who have reformed may be mentioned one who said that when she sought the shelter of the home she had no clear knowledge of the difference between right and wrong. Through her influence a woman who had kept four houses of ill-fame was led to forsake her sinful life. The two opened an evening mission for rescue work.

When the Home of the Friendless at Hamilton, Ontario, was enlarged, some of the former inmates expressed a wish to make a "thank-offering," and contributed money for furnishing.

A girl who had been sheltered by the Florence Mission of New York in a measure resumed her reckless career, but repented and returned to the mission. As a thank-offering she gave the beautiful furniture from her home of sin to the "Door of Hope," a newly-organized mission for fallen women.

The best results are obtained in homes where there are careful classification, seclusion of the inmates, regular employment and recreation, and a long course of training.

A lady interested in the work of the "Retreat" in Cleveland, Ohio,—one of the most successful of reformatories,—says with regard to the last point: "I think there should be an earnest protest against sending girls from the homes too soon. A decided sentiment prevails that you can change the whole course of a girl's life and thought in a few months. Our most shining examples are those who have stayed in the home two or even three years."

This point was particularly emphasized by the sisters in charge of St. Michael's Home. They desire to keep their girls not less than two years, and longer if possible.

The managers of other institutions appreciate the value of a long residence; but many homes in large cities, endeavoring to meet a continual demand for assistance and to accommodate as many as possible, can offer temporary shelter only.

In no other undertaking are more wisdom, patience, and Christian charity needed. It must be a work of daily struggle, of resolute and persistent effort. The spasmodic compassion that moves the public when some particularly interesting case is brought to its attention is not the quality that is demanded for workers in rescue homes. Compassion they must have, zeal they must have; but their zeal especially requires to be tempered with discretion. In judgment they must remember mercy, but in mercy they must not forget judgment. Taking into account all the weakness, all the temptation, they must avoid treating the offender as an interesting moral invalid or an injured heroine. A good deal of cheap and unwholesome sentimentalism appears in the reports of criminal trials, and lends a glamor to sin.

Not long ago the trial of a young woman, whose case was certainly sad enough to touch any heart with pity, was made the occasion for an outburst of sentimentality, and, following her acquittal, the announcement was made

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that she would soon appear on the operatic stage. The harmful nature of such notoriety is too obvious to require much comment. Its tendency to lower the standard of morality can hardly be questioned; but it is surely illogical to claim that a similar result is effected by the rescue work which seeks to raise the sinner. The compassion for a fallen woman is born of reverence for pure womanhood, and does not mitigate the loathing of the sin.

The pity of it is that the sin is irrevocable; that no repentance, no forgiveness, no later uprightness, can make it possible for the woman to live the life that has no darkness to hide, or to forget that she has fallen. Yet she may deserve our affection, our sincere respect; by her victory over sin she may pass on the upward way those who once held out to her their sustaining hands.

Any one who contrasts the repulsive, almost brutalized, countenances of those who have grown old in vice with the comparatively innocent face of the girl who has but lately set her feet in evil ways, must shudder at the thought of the terrible retribution.

A report pleading for the rescue of girls just entering a career of crime says: "This is a need that affects the future of our city; for those whom we would save are soon to take their places among the mothers; and not to meet the need is to pursue a penny-wise and pound-foolish policy, which puts to shame the business foresight of a modern American city."

And further: "Every life rescued from vice, vagabondage, and despair, and established in the ways of upright living, is so much gain to our civilization. But only when to this is added the higher Christian motive of the infinite value and far-reaching possibilities of each human soul can the full significance and importance of this rescue work be realized."

M. BOURCHIER SANFORD.

THE SOLDIER AND THE CITIZEN.

WHEN the soldier's malevolent critics shall have ceased their unjust and ungrateful aspersions in magazine, journal, and stump speech, the trite subject of his heroism and sacrifices may be dropped for a while at least, but not, in justice, until then.

While the surviving "bummers and mendicants," the "skulkers and hospitalers," of the war are held up to public reprobation, the saving clause is sometimes condescendingly appended, that so large a body as the veterans form must necessarily represent all classes and conditions of men. But we refuse to admit the truth of this saving clause. There were several classes who were not represented, and never could be represented, in any army like that which conquered the rebellion. The blind, deaf, and halt, dwarfs, lunatics, and idiots (save those whom faithful service and terrible suffering made such), were not represented. There were men whom no inducement could persuade, no force could compel, to face the fearful hazards of war; men who, if their own firesides were attacked by an armed foe, would flee without striking a blow; who, if their own wives and children were in danger, would first seek a place of safety for themselves. No sudden fever of patriotism, no noble love of adventure, no thirst for martial glory, not even a princely bounty, could tempt these men where bullets were hissing and shells were shrieking. Were they drafted? There were substitutes to be bought, or, if this were too expensive a means of escape, there was a sure refuge beyond the St. Lawrence—at least there was the *dernier*

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ressort of self-inflicted disability. Were they tricked into enlisting while in their cups, or did they go through the form of enlistment to escape other penalties for their misdeeds? The first roll-call showed them among the "missing."

There were other men who were not represented in the army, men to whom the war, with all its horrors to others, was but one tremendous flood-tide bearing on to fortune. What business had they at the front, when each day of those four years was literally one long chain of "golden" moments? And there were still others, men who, though they were not brave or self-sacrificing enough to leave their own States and enter the ranks of their country's would-be destroyers, yet hated with all their souls her friends and saviours, who did all in their power—consistently with their personal safety—to give aid and comfort to her enemies. Some of these very men are prominent enough *now* in their relations with the army. Of all the malcontents at the nation's liberality to her defenders, they are the most active and bitter.

With these modifications, the "saving clause" quoted at the beginning of this paper may be accepted as true. It goes without saying that the bravest, noblest, and manliest, the most unselfish and patriotic,—in short, the flower of the virtue and strength of the land,—were represented in the army; quite as fully, it may be safely added, as they were represented at home. There were men of brilliant genius, of ripe scholarship, men of the highest standing in social, religious, political, and business circles. There were also, as a matter of course, men of the lower orders of intelligence and morality; loafers, shirks, drunkards, wife-beaters, blacklegs, and jail-birds. Cowards and "skulkers" are usually included in the black-list, but there were bad enough men and enough bad men in the army without special mention of these—by the stay-at-home critics, at all events. The cruel and bitterly unjust mistake, either intended or made unthinkingly, is to place the worst representatives of the veterans in the foreground. If his censors are to be believed, the typical veteran is a shirk, a "beat," a pension-beggar. The truth probably is that the rank and file of the army were not much better, and certainly no worse, than the average body of citizens, and that its survivors are no more greedy or grasping now than men in general would be in their place.

How does the average citizen look upon the soldiers? We all know how he regarded them during the war; we all know, too, with what generous enthusiasm he welcomed them home to the security and prosperity they had won for both themselves and him, how he threw up his hat, shouted himself hoarse, and freely contributed his dollars for bunting and hot coffee.

But generous enthusiasm is like rich perfume—volatile. Little by little, the "brave defenders" have come down from their pedestals in the citizen's estimation. Not all of them, of course. The strong of body and mind, the wealthy, the cultured—in short, the self-supporting in general—still retain his respect and a more or less latent residuum of grateful recognition for their old-time heroism. But the disabled, the poor, those whom advancing years render incapable of supporting themselves and their families, are fast becoming a burden and a bore.

It is true that the burden and the bore are still borne with little effective opposition; that, though there is much ill-natured grumbling from many sources, the enormous and increasing drafts which the soldiers make on the national treasury are still honored.

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But cannot this strong, free, prosperous nation, made so by these men who now in their turn look to it for succor, continue for a few years longer *uncomplainingly* a recognition which, despite its falling-off in fervor of sentiment, has thus far surpassed that of any other nation in history? What if the tax is great? It is utterly insignificant in comparison with the deserts of those for whom it is levied; for, be it remembered, while it can last but a few years longer at most, the rich fruits of all that suffering and sacrifice will last to the end of time.

A SOLDIER.

NEEDS OF THE NAVAL RESERVE.

IT IS no news to any well-informed person that the United States has not at present enough seamen to man its war vessels. That is a condition which will at some time disappear, for it is not conceivable that Congress will permit an aged law to cramp the vigorous youth of our new defensive policy. But it is equally inconceivable that we shall ever maintain the navy in time of peace on a war basis. That being the case, it is obvious that we must rely on the possession of a thoroughly drilled and experienced reserve force to call upon in the case of any sudden outbreak of hostilities. The nucleus of that reserve force has been formed, and it is composed of good material. It is true that the First Battalion, Naval Reserve Artillery, is not prepared to man a harbor-defence vessel to-morrow, but it is beyond disproof that it can be made ready in thirty days.

The preparation of the battalion for active service is in the hands of the people. The State of New York has given the organization a legal name. What it needs now is a local habitation. There is a good deal of difference of opinion as to whether the Naval Reserve ought to have an armory or a ship. It is pointed out that for the State to provide a ship would be equivalent to its maintaining a navy, which is unconstitutional. On the other hand, it is said that the Naval Reserve has no use for an armory. The truth, as usual, lies midway between extremes; or, rather, in this case, it includes both. There should be an armory and a ship. The force needs both, and has a right to expect both. It should have an armory with a model ship's side erected in it. Along one side of the armory, say ten feet from the wall, should be built a light wooden model of one of the bulwarks of a man-of-war, the armory floor being the deck. At convenient positions in this bulwark should be erected dummy models of 5- or 6-inch breech-loading rifles, mounted on fixed pivot carriages. At other points there should be one Hotchkiss 3- or 6-pounder rapid-fire, one Hotchkiss revolving cannon, and one Gatling. These secondary guns should be genuine, and not models.

The remainder of the armory would be clear for cutlass, field-gun, and infantry drills. The field artillery and infantry drills are a part of the man-of-war's man's education, and there is not room enough for them on the deck of a ship. All winter long, when the weather would be unfit for outdoor work in boats or aboard ship, the men of the Naval Reserve would be perfecting themselves in their duties in their armory, housed, protected, and on an equal footing with the regiments of the National Guard. To provide this armory, then, it seems to me, is the plain duty of the State of New York. To provide it without the appurtenances necessary for the special instruction of naval artillerymen would be to deprive the new force of its distinctive value, and make it an unnecessary addition to the National Guard.

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In warm and pleasant weather the Naval Reserve imperatively requires training in "cutting-out" drills, distant boat service, and actual handling of guns aboard ship. The last-named training, which includes target-practice, is indispensable to the perfection of the force as an efficient auxiliary to the navy. It is beyond question that the men must have some experience in firing from the rolling deck of a vessel under steam at a mark moved about by the heave of the sea. Otherwise, if called suddenly into service, they would be confronted with conditions wholly new to them. Gunnery from an earthen or stone barbette is very different from gunnery on a deck which has not a fixed level and not even a permanent angle of inclination.

It is not necessary that the State of New York should build a ship for the training of its Naval Reserve forces. There is no reason to doubt the readiness of the national government to furnish the vessel. In a recent report Secretary Tracy urged upon Congress with great earnestness the necessity of building coast- and harbor-defence vessels, and he added that such craft would be of much value in training naval-reserve forces. The complete delivery of any one of these vessels into the hands of any reserve body was, of course, not contemplated by the Secretary, because there would be legal as well as practical obstacles in the way of such a transaction. But, on the other hand, the harbor-defence vessel might be maintained at a very economical cost to the national government with a very small force of officers and men—just enough to man her engines and boilers, and to take care of the vessel at her berth in a navy-yard. When taken out into the bay or its adjacent waters, she would be fully manned by a Naval Reserve battalion, whose men would be wholly equal to the task of handling her batteries, her boats, and her ground tackle.

This plan, or one not very dissimilar, must eventually be adopted for the full development of the possibilities of the Naval Reserve. It is, like every war-ship's company, an amphibious organization, designed to serve both ashore and afloat. To confine it to an armory would be to invite it to "hang its clothes on a hickory limb and not go near the water." To bid it seek all its instruction aboard a United States war-ship would be to cripple the organization and to impose upon the national government a burden which ought to rest on the shoulders of the State. The Naval Reserve is worthy of good treatment at the hands of both. Two nurses will not be too many to take care of such a promising infant.

W. J. HENDERSON.

THE NEXT AMENDMENT.

THE men who devised the framework of the government of the United States intended and proposed that it should be capable of adjustment to the needs of any changed conditions not then by them foreseen. It is for this declared reason that the Constitution provides, guardedly, for its own amendment. The unforeseen changes have from time to time demanded such action as was provided for, but the aggregate popular mind, which expresses its supreme will in the terms of the Great Charter, is conservatively slow to recognize and respond to these consecutive demands. This conservatism was manifested, almost ruinously, in the tardy and convulsive advances to the constitutional settlement of the fundamental slavery question.

As the constitution now stands, and as it must, in form at least, remain, new States may be added, in a kind of creation, even by the division of old States, but no provision exists or can be made for the obliteration of any of

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the existing commonwealths of the Union. However small may be the area or the population of any member of the federal family, or however grotesque may seem its vested right to equal rank and power in the Senate with its greater associates, that rank and power cannot be directly interfered with by any process yet invented. That there is here a defect presenting matter for serious consideration has long since been generally admitted. It becomes more glaring, it attracts more attention, and it threatens to become a source of more dangerous irritation, year after year, as the disproportion, for example, between New York and Delaware requires more and more offensive figures to declare its political arithmetic.

So great a defect implies a discoverable remedy, and there are signs that one is in due process of discovery by means of a species of normal evolution, every way preferable to revolution.

If much of the party and partisan history of the country is associated with State geographical boundary lines, more attaches to the action, in combination or semi-combination, of the States adhering politically in groups. The history of the Civil War presents the most perfect illustration, and is also full of instructive suggestions as to the nature of the practical remedy. At the outset of the war, the cotton States led off, as a group, acting almost as one State. The Atlantic Southern States followed as another, and the refusal of the border States to follow promptly and effectively prepared for the failure of the Confederacy. Each group drew its membership together in obedience to a natural law of American politics, plainly written in our history, but not defined or utilized in our constitution.

In the school geographies of the last generation, the natural grouping of the States at that time was set forth as the New England, Middle, Southern, and Western. The existence of the political fact was recognized and was taught to all children.

If, now, for an inquiry into one phase of this subject we select the New England States, we may find that this group has undergone changes latterly, but that these are less apparent to the eye than are some of the mutations of the other groups. There are, however, very readable indications of one irresistible tendency. The school-books said that it consisted of Maine, New Hampshire, Vermont, Massachusetts, Rhode Island, and Connecticut. All of these old commonwealths retain their boundaries, their nominal State organisms, and their representative power in the Senate of the United States. If, however, it is true that Maine and Massachusetts are at this day States, in the full definition of the term, what is to be said of the progressive conditions of the others? If they could be considered as the asserted roots of a great national tree, would it not be nearly correct to reply that they are rather so many bunches of rootlets, attaching permanently to several central or main roots? Are their boundary lines upon the map entitled to the political significance which the constitution accords to them?

The present examination does not contain any necessity for now indicating the precise composition of a new group which might be constructed, for purposes of reformed administration and federal representation, as the New England group. The pertinent suggestion is that one might well be created, that it yet will be created, and that it will enjoy, measurably, the powers, or some of them, which are now exercised by one of the existing States. Without attempting the elaboration of details, the new organism, of whatever allied elements, will be a State as to its relations with the federal government, without too great a disturbance of existing forms of

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local self-government. In adjusted correlation with other groups, it will be entitled to representation in a reorganized national Senate and House. In the former body there will then be no such monstrosity as a fictitious equipoise between Rhode Island and Pennsylvania.

It is manifest that the powers of the central, national machinery, acting at and from Washington, would be relieved of clogging and pressure, but in no manner diminished, by the successful working of groups, operating as States within the limits assigned to them. The reformed mechanism, in part and in whole, will be entirely in accord with what is called the "genius"—that is, with the integral principles—of our complex idea of representative republican government.

The Middle State group was said by the school-books to consist of New York, New Jersey, Pennsylvania, Delaware, and Maryland. It is evident that this old listing offers hardly an indication of the constituent parts of a new, self-governing independency in union, with New York as its main stem.

It is assuredly premature to discuss the future, in this relation, of the British provinces north of us, or to surmise what parts of them might, for instance, be well associated with Maine in a Northeastern group, or how the other provinces would prefer to be associated or severed.

There is an area related to Pennsylvania of which the natural State membership would fall into correct relations and position as readily as do the pieces upon a chessboard. Somewhat the same is true of the Atlantic States, south of the Potomac; of the central States between Pennsylvania and the Mississippi, north of the Ohio; of a corresponding group south of the Ohio; of the southern and southeastern cotton States; of the Gulf group; the group immediately west of the Mississippi; of the Northwestern group proper; of the Far Northwest; of the Mountain group; of the Pacific Northern; of the Pacific Southern; and, eventually, of the Southern Mountain group.

Leaving indefinite all questions of absolute selection, there are at least eighteen probable groups, much exceeding in number the cluster of stars upon the first flag of the republic. Each of these ideal associations has already distinctive interests, progressively becoming more apparent and more plainly acknowledged by its citizens. It is more and more commonly understood and asserted that these interests demand, for their proper care, both legislative and executive capacity exceeding that of the present local organisms, State or municipal, but which cannot be transferred to or undertaken by the overburdened, far-away, and practically unappreciating central government at Washington. The truth demands very full recognition that this country is too vast for successful centralization, however absolute is its need for permanent, unassailable nationality in its representative union. Its fast-increasing parts must therefore be governed through adjusted and adjustable machinery, both adapted to and developed from the fundamental idea of the original, existing organism. The machinery now in use announces, in every creak of its patriotic helplessness, that it is forced to bear too much and that, unless it shall be relieved, it must shortly break down.

The presentation of a political necessity and of its attendant problems to a self-governing, intelligent people, carries with it not only a demand for, but a rational assurance of, eventual action and successful solution. All growths of public opinion, all questions of methods and details, are sure of elaborate counsel and discussion, but there is no necessity for the discovery

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or invention of anything novel, which would be popularly offensive as foreign. The actual grouping of the States has gone on from the beginning, from an earlier day than, for instance, the birth of George Washington, and the British provinces of North America acted in groups when the Dutch held New York and the French held the Canadas. The same action goes on now, increasingly, and the natural affinities and political necessities producing it only require something of boldness and wisdom in applied statesmanship in order to produce a reform which would assure the best results locally, and would, at the same time, give more firmness and stability, as well as greater freedom and effectiveness of administration, to the national government.

WILLIAM O. STODDARD.

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